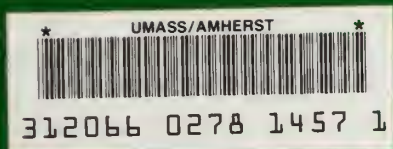


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# **The Massachusetts School-to-Work System**

**A Reference Guide  
to Policy  
and Legislation**



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# **The Massachusetts School-to-Work System**

## **A Reference Guide to Policy and Legislation**

**Prepared by Bay State Skills Corporation  
for the Office for School-to-Work Transition**

**BSSC**

Bay State Skills Corporation

101 Summer Street  
Boston, MA 02110



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To: Our School-to-Work Colleagues  
From: Bay State Skills Corporation

The process of moving from schooling to working, from childhood to adulthood, is a difficult one for all of us and for all of our children. For some, it is an almost overwhelming challenge. Too many young people either never finish school or graduate without real skills for working or for continuing to learn. It will take the best efforts of all of us to create systems that will do a better job at preparing all of our young people for the responsibilities of adult life—as workers, as learners, as citizens.

Fortunately, we in Massachusetts have begun to forge some tools with which to do the job. With the leadership of Lieutenant Governor Paul Cellucci and the MASSJOBS Council and the participation of a great many educators, training professionals, and business leaders, the Commonwealth successfully made the case that we could become one of a handful of “leading edge” states, prepared to implement systems and services under the new School-to-Work Opportunities Act. Together, we have the opportunity to knit together into an authentic system what we all know—community by community, program by program—about young people’s introduction to work and working. The fragmentation and even competition among disparate, *ad hoc* programs can yield to a broader common purpose.

For our part, Bay State Skills Corporation (BSSC) will help wherever we can. Our Communities and Schools for Career Success (CS<sup>2</sup>) initiative—begun this year in four communities—may serve as the basis for comprehensive, community-based planning for a continuation of services from middle through high school. It may also serve as a source of learning for other communities. We pledge to look for every opportunity to learn and share such lessons.

In the meantime, we offer this booklet as “baseline information” for all who are interested in the subject and in the current opportunity. Much of this material was developed as background for the coalition-building and proposal process that began last year; other pieces were part of MassREB Net, the electronic network for the Regional Employment Boards and their employment and training partners that BSSC has developed in conjunction with DET, the MASSJOBS Council, and the REB Chairs Association. We’d like to acknowledge the work done on this publication by John Niles, Alex Hoffinger, Abigail Jurist Levy, Bill Diehl, Sue Paxman, and Evelyn Harvill of BSSC and the assistance and guidance from Lisa Blout of the Executive Office of Education and Chris Sturgis of the MASSJOBS Council staff.

We welcome your comments and suggestions.



Erik Payne Butler  
President





# Introduction

On behalf of its public and private sector partners from across Massachusetts, Bay State Skills Corporation (BSSC) is pleased to produce and distribute this special publication that presents the legal and policy foundations of the Commonwealth's system of school-to-work transition.

One of the principles that guides BSSC's work is the importance of collecting, distributing, and sharing information with policymakers and practitioners in the education and training field. Last winter, we began publishing *The Chronicle: Employment and Training Programs, Policies, and Practices That Work*. *The Chronicle* is a loose-leaf notebook that contains profiles and case studies of innovative, high-quality, school-to-work and industry-responsive training efforts. It is intended to give the Massachusetts Regional Employment Boards (REBs) a better understanding of "best practice" education and training programs. This summer we devoted much of the July issue of *The Chronicle* to providing REBs with basic information on school-to-work transition—including summaries of basic legislative and policy materials. We experienced a huge demand from program practitioners for additional copies of these documents.

BSSC is collaborating with several executive agencies to develop and implement a statewide system of school-to-work transition in the Commonwealth. We quickly concluded that all education and workforce training policymakers and practitioners in Massachusetts would benefit from having access to basic information about the systemic initiative called "school-to-work transition." Getting this information in the hands of teachers, mentors, guidance counselors, administrators, employers, and others is essential to the task of creating a statewide system.

Therefore, in this publication, we draw together information from several sources that describes the building blocks of a system of school-to-work transition in the Commonwealth. Together, these materials provide a policy overview that broadly describes the system that we want to create. They also give readers objective information about components—the federal School-to-Work Opportunities Act, some of the Massachusetts Education Reform Act, and the state's system blueprint called *Learning to Compete*—and how they work together as a framework of a system that makes sense for all students. Our purpose is to give readers direct, current material regarding the state's school-to-work system.

You will note the great quantity of legislative materials presented here, especially related to the School-to-Work Opportunities Act. That is intentional. This Act plays a significant role in describing goals and practices for the system and in defining many technical details of its eventual operation. Practitioners and policymakers should carefully read the legislation, develop a good working knowledge of its content, and understand its implications for changes in our performance.

Accordingly, this booklet contains the following materials:

- A summary entitled "Implementing a Massachusetts Vision for a School-to-Work System: A Brief Description of the System Structure," which lists the major roles and responsibilities regarding the governance structure at all levels—including local partnerships, regional school-to-work committees, Regional Employment Boards, and a statewide committee for school-to-work transition
- An executive summary of *Learning to Compete: Linking Youth to Careers*, the application submitted by Massachusetts that led to the award of a five-year implementation grant from the U.S. Departments of Education and Labor under the federal School-to-Work Opportunities Act

- A summary of the key features of the Massachusetts Education Reform Act of 1993, which presents key strategies and components affecting the system of school-to-work transition
- The full text of the federal School-to-Work Opportunities Act, which provides the basic legal foundation defining the contents of a school-to-work opportunities program
- A section-by-section summary of the School-to-Work Opportunities Act, which summarizes the general intent and purpose of each section of the Act in an easily read format as well as summarizing all cross-references contained within the Act
- A brief analysis of the School-to-Work Opportunities Act, which gives a short overview of the entire legislation
- A brief description of the twenty required elements of a federal School-to-Work Opportunities program, created by combing through the Act to make a list of all elements and components that must be present within any program for it to participate in federal funding

### The School-to-Work Transition: The Need for a System

In education and training circles, suddenly much of the talk is about “school-to-work transition.” Why should we in Massachusetts devote substantial resources towards the creation of a comprehensive school-to-work transition system? The statistics help tell the story. Over the years, we as a society have committed dollars and serious efforts towards the creation of the pre-eminent system of higher education in the world. *But most of our youth don’t graduate from a college or university.* As a matter of fact, 75 percent of our young adults leave the education system prior to finishing four years of college. In preparing our youth for the world of work, we have thus far de-emphasized, if not substantially ignored, the needs of the majority of our students.

As a result, many youth leave compulsory education ill-equipped to find a good job that offers a reasonable salary with opportunity for advancement. A recent study by the Massachusetts Department of Education found that only 22 percent of students by the 12th grade had mastered the underlying principles of the grade-appropriate curriculum, could reason and communicate clearly, and could apply their knowledge in a variety of contexts. With disappointing results like this, it is no wonder that many youth drift between jobs for years until they settle into a career track in their 30s. MIT researcher Paul Osterman has documented that over 35 percent of all men who are leaving their 20s have been in their current jobs for less than a year and that an additional 16 percent have held their jobs for only one year. There is a parallel pattern for women nearing 30 years of age who have worked during most of their adult life.

The social consequences of these patterns are deeply disturbing. For all too many young people, the failure to gain workplace skills while in school and the inability to find a good job upon entry into the labor market leads to criminal activity, diminished physical health, and more limited life prospects overall. According to a recent Carnegie Corporation report, approximately one-quarter of our young people—about 7 million youth—are engaged in harmful or destructive behaviors by age 15. Less dramatic perhaps but no less important is the growing gap in wages between college graduates and those with only a high school diploma during the first few years in the labor market. Between 1973 and 1991, the difference in average wages between male high school

graduates and college graduates grew from \$3.64 an hour to \$5.03 an hour, or 38 percent. For females, the wage gap increased by 19 percent. Also, by not creating linkages to the workplace, the current system is not taking advantage of adult role models and mentors who can serve as sources of support and guidance.

Meanwhile, the competitiveness of individual firms and the U.S. economy as a whole suffers as a result of our collective failure to refashion schooling to better prepare our non-college bound youth for the world of work. Secretary of Labor Robert Reich has underscored the fact that in an advanced, global economy, “a nation’s most important competitive strength becomes the skills and cumulative learning of the nation’s workforce.” To remain competitive internationally, firms will require a workforce with solid technical, communications, mathematics, and teamwork skills, skills that can be taught in ways that connect learning to the workplace. These firms offer the kinds of jobs that support a high-wage economy, but without skilled workers, these companies will move elsewhere and take their jobs with them.

Yet, the U.S. is one of the few industrialized nations that does not have an effective school-to-work transition system. One consequence is that high-skill, high-wage companies in the United States and here in Massachusetts do not generally hire recent high school graduates, despite the fact that this pool of labor is generally cheaper and many of the jobs being created at these firms do not require baccalaureate level training or above. It’s a vicious cycle. The best employers forego the opportunity to train and socialize young workers; secondary schools have little interaction with employers and little chance to fashion educational programs to meet workplace requirements; and non-college bound youth miss out on meaningful learning experiences and occupational training. In addition, the failure of schools to connect learning to real-world applications leads many students to “opt out” of the educational process prematurely, thereby depriving our economy of critical human resources.

We look forward to working with the many partners at the state and local levels, and in the public and private sectors, to build a system of school-to-work transition that works for students and for employers. We look forward to learning from each other in the coming years as we design, test, experiment, implement, and expand a variety of pathways that will grow into a system. We trust that the materials contained in this booklet will be useful for practitioners across the state. We invite your thoughts, questions, and comments about policy and practice in the area of school-to-work transition as we move forward in the coming years to creating a state-wide system in Massachusetts.

*[Portions of the preceding were excerpted from an article prepared by Bay State Skills Corporation, 1994, and included in The Chronicle: Employment and Training Programs, Policies, and Practices That Work.]*



## **School-to-Work Opportunities: An Owner's Guide**

*[This section has been provided by the United States Departments of Labor and Education. It includes a brief overview of the School-to-Work Opportunities Act and its major purpose, as well as the roles of individuals, teachers, employers, parents, and youth.]*

“We are living in a world where what you earn is a function of what you can learn.”

—President Bill Clinton

“By raising education standards, developing partnerships within communities, and establishing a link between school and work, we can help our youth compete in an increasingly complex global economy.”

—Secretary of Education Richard W. Riley

“A school-to-work transition system is critical to improving the economic opportunities of our young people and will help us all on the road to better jobs and greater economic security.”

—Secretary of Labor Robert B. Reich

A good high school education that leads to a good job and a college education and results in a productive and satisfying life is the promise of the School-to-Work Opportunities initiative. It is, therefore, nothing less than an aggressive and exciting way of learning and teaching that helps all youth achieve high standards, that will open many doors of opportunity for our nation's youth. School-to-Work Opportunities will bring the workplace into the classroom. It will transform workplaces into places of learning. It will put hope and enthusiasm back into communities that have watched so many of their young people drift after high school, unprepared for further education or a well-paying job. And School-to-Work will help employers find workers who are prepared for today's demanding jobs.

**Why It Must Happen Now.** Many of the young people leaving America's high schools are not equipped with the skills they need to perform the jobs our modern, competitive economy is creating. Too often they flounder in the labor market, wasting a decade or more in intermittent, low-paying jobs. When this happens, everyone loses. Young workers become discouraged because their paychecks and progress fall short of their hopes and expectations. Employers become frustrated because they can't find workers who are adequately prepared for today's more demanding jobs. And in the end the nation becomes weakened because productivity lags and hampers our ability to compete in world markets.

School-to-Work attacks these problems head-on. It creates well-marked paths students can follow to move from school to good first jobs or from school to continued education and training. School-to-Work combines quality academic classes at school with hands-on learning and training in the workplace. It builds partnerships between schools and employers and leaves room for local control of local needs.

**Building A National System.** Community by community, state by state, a national network of School-to-Work systems will be built during the next decade. The new School-to-Work Opportunities Act will be the framework for construction of this network. And it authorizes four major types of grants to help states and localities build their own customized systems:

- Development: Noncompetitive planning grants to all states, Puerto Rico and the District of Columbia
- Implementation: Competitive grants to states for implementing statewide systems
- Local Partnerships: Competitive grants to local partnerships within states
- High-poverty Areas: Competitive grants to localities defined as high-poverty areas

**Together, We Can Make It Happen.** The School-to-Work initiative is not another top-down federal program. It is an invitation to all sectors of the community to work together in new ways to meet shared and individual needs. These local and state partnerships will drive the planning, implementation, and operation of School-to-Work systems. At all levels, consortia are forming to structure day-to-day working relationships, apply for federal grants, and reach out to all who should be involved. At the federal level, the U.S. Departments of Education and Labor are working together in that same spirit of partnership. The departments are administering the initiative with an unprecedented degree of shared decision making and joint team activities.

### **Everyone Benefits**

#### *Students:*

- Can choose from a wider range of occupations and educational opportunities.
- Have more opportunities for good jobs after graduation.
- Obtain actual work experience while going to school.
- Develop potential contacts that may broaden employment options.
- Boost self-confidence and experience success at school and work.
- Get personal assistance in attaining education and career goals.

#### *Employers:*

- Gain access to an expanded pool of qualified applicants.
- Influence curriculum development to meet industry requirements.
- Evaluate potential employees in work settings prior to hiring.
- Improve the quality of life in the community.

#### *Educators:*

- Increase college placement and employment rates of graduates.
- Participate in improved opportunities for professional development from recruitment to retirement.
- Integrate academic instruction with actual work and life experiences.
- Reduce dropout rates, improve attendance, and increase enrollment.
- Come to better understand real-world applications of academic knowledge.

#### *Government and Community-based Groups:*

- Participate in the development of a skilled workforce.
- Enhance the employability of all youth.
- Stimulate local economic growth through an expanded skilled workforce and taxpayer base.

**What School-to-Work Is.** Every School-to-Work Opportunities system must contain three core elements known as School-based Learning, Work-based Learning, and Connecting Activities. School-based Learning is

classroom instruction based on high academic and occupational skill standards. Work-based Learning is work experience, structured training, and mentoring at job sites. And last, Connecting Activities develop courses that integrate classroom and on-the-job instruction, match students with participating employers, train job-site mentors, and build and maintain bridges between school and work.

**What It Will Mean For Young People.** When they enter a School-to-Work system, America's students will see a bright light at the end of the tunnel. Graduates will receive a high school diploma or its equivalent in addition to a recognized skills certificate. Some will receive a certificate or diploma recognizing successful completion of one or two years of post-secondary education. Others will enter a registered apprenticeship program or enroll in a college or university. With these credentials and skills, a young person can expect not only to compete for a job in his or her field but to prosper as well.

**What You Can Do To Make It Happen.** Communities that build successful School-to-Work systems often find that the best way to begin is to identify and study a successful model. Information on some promising models is available from the federal regional office nearest you. In the meantime, here are some ideas to help you get started.

***If You Are An Employer:***

- Form a partnership between educators and other interested employers to plan and start a School-to-Work system in your community.
- Help schools develop courses that will prepare students for good jobs that are, or will be, available in the area.
- Provide work experience for School-to-Work students that reinforces and expands on what they are learning in the classroom.
- Hire qualified graduates of School-to-Work programs.

***If You Are An Educator:***

- Bring colleagues together with employers, unions, parents, and others to plan and implement a School-to-Work system.
- Learn about, and experiment with, curricula that are compatible with School-to-Work Opportunities. Request "how to" manuals from proven model programs.
- Help students become aware of the range of career options that they can pursue through School-to-Work.
- Invest in professional development so teachers, counselors, and administrators will be prepared to be partners in reforming the education system.
- Recognize the importance of counselors in building successful School-to-Work systems.

***If You Are A Parent:***

- Let educators, civic organizations, and others know of your interest in bringing School-to-Work to your community.
- Volunteer to help build the system and keep it going.
- Urge your employer to provide work experience for School-to-Work students and volunteer to be a mentor or supervisor for them.

- Help your child understand the relationship between learning and earning, and teach that performance counts, both in school and on the job.
- Encourage local schools and employers to require and reward achievement.

*If You Are A Student:*

- Tell your teachers and school administrators that you are interested in School-to-Work.
- Talk to your friends about how School-to-Work could help them start on the road to a good job.
- Ask your parents to show support for a School-to-Work system in your community.
- Join or form a career club that supports your occupational interest and can become an advocate for School-to-Work.
- Aim high and make a commitment to a life of learning.

*If You Are A Member Of A Labor Organization:*

- Collaborate with state and local officials, employers, and schools to design a local School-to-Work system.
- Mobilize your local union training committee to offer high-quality training and meaningful work experience to students in School-to-Work.
- Become a mentor in the workplace.
- Provide information on different types of jobs available in your community.
- Educate your organization about School-to-Work through the local education officer of your union.

*If You Are A Member Of A Community-Based Organization:*

- Collaborate with state and local officials, employers, and schools to design a local School-to-Work system that reaches all types of youth, including dropouts.
- Work with educators and employers to ensure opportunities for young women to participate in School-to-Work.
- Work with employers and schools to provide opportunities for students from high-poverty areas or low-income families who might have low achievement levels or limited English proficiency.
- Serve as a broker between local employers, schools, and parents to help them establish working partnerships.
- Mobilize support for students most at risk of failure or dropping out.



## Goals 2000 and School-to-Work Opportunities

The Goals 2000: Educate America Act was signed into law by President Clinton on March 31, 1994. This new law provides resources to states and communities to ensure that all students reach their full potential. It is based on a simple idea: When more is expected of students, they work harder and reach higher levels of achievement.

### Bridges Between Goals 2000 and School-to-Work Opportunities

- **High Academic Standards.** Goals 2000 establishes a framework to identify world-class academic standards, to measure students' progress, and to offer support that students may need to meet them. The School-to-Work Opportunities Act states that students in school-to-work systems would be expected to follow a program of study that meets state academic content standards and, where applicable, the high academic standards set in Goals 2000. Goals 2000 establishes a National Education Standards and Improvement Council to examine and certify voluntary national and state content, student performance, opportunity-to-learn standards, and assessment systems submitted by states on a voluntary basis. It also authorizes grants to support the development of voluntary model opportunity-to-learn standards. The movement to develop voluntary national standards has already begun. The National Council of Teachers of Mathematics has prepared mathematics standards, and the U.S. Department of Education is funding creation of standards in the arts, civics and government, English language arts, foreign languages, geography, history, and science. These standards will clearly identify what all students should know and be able to do to live and work in the twenty-first century. The standards will be designed to be internationally competitive.
- **Occupational Standards.** Goals 2000 also creates a National Skill Standards Board to facilitate development of rigorous occupational standards. That Board will identify broad occupational clusters and create a system of standards, assessment, and certification for the skills needed in each area. This system of occupational skill standards and certification will serve as a cornerstone of the national strategy to enhance workforce skills. The Board will have significant representation from business, industry, and labor. Because of Goals 2000, work-based and school-based training will culminate in award of a skills certificate and a high school diploma that mean something. The skills certificate will give students an industry-recognized and portable credential that indicates mastery of skills in specific occupations. A graduate from Alabama, for example, would be assured that her "biotechnology manufacturing certificate" will be honored and respected in Alaska. Because employers would offer the best jobs to those who had met the standards and had attained a skill, students would have more incentive to perform well in school.
- **Systemic Reform.** Goals 2000 is the first step toward making the federal government a supportive partner in state and local systemic reforms aimed at helping all children and young people reach high standards. Like school-to-work opportunities, Goals 2000 will change the way teachers teach and students learn. Both involve restructuring, rescheduling, and rethinking traditional ways of doing business. Each will be more effective if the two are implemented in coordinated fashion.



- **Coordination.** The School-to-Work Opportunities Act asks states to coordinate their school-to-work plans with the overall education reforms that they are planning with Goals 2000 funding. The aim is to promote greater coherence among federal programs and between federal programs and state and local education reforms.



# Implementing a Massachusetts Vision for a School-to-Work System

## *A Brief Description of the System Structure*

This section describes the major governance and planning mechanisms that will be used to implement a statewide system of school-to-work transition for the Commonwealth. The vision and basic design of the Massachusetts school-to-work system are the products of a nine-month policy process led by the MASSJOBS Council (MJC) School-to-Work Task Force. The Task Force was appointed by the MJC at its May 1993 meeting and was comprised of thirty members designed to be inclusive of all key stakeholder groups. Among other issues, the Task Force: (a) discussed the legislative specifications for the federal School-to-Work Opportunities Act (STWOA) as they existed at the beginning of the summer in 1993; (b) reviewed policy and implementation efforts in leading-edge states; (c) assessed the key features of the Massachusetts Education Reform Act of 1993 (ERA) that affect school-to-work transition; (d) researched best-practices of work-based learning programs at the secondary school level throughout the Commonwealth; (e) prepared an analysis of the economic structure of sub-state regional economies and the current labor market demand for and experiences of young people; (f) conducted regional roundtables—in conjunction with Regional Employment Boards (REBs)—soliciting input, ideas, and support from employers, community colleges, schools, community-based organizations, and others at the local and regional levels; and (g) held ongoing discussions defining a comprehensive approach to school-to-work transition. The final report of the Task Force will be published in December 1994.

The system is decentralized—it depends on local partnerships at the community level to organize the activities of schools, post-secondary institutions, and employers around integrated school-based and work-based pathways for students. Yet there are many other statewide partners whose activities help support the actual design and implementation of programs and pathways at the local level. These include local school-to-work partnerships, regional school-to-work committees, Regional Employment Boards, and a statewide governance structure that helps manage implementation and keep all stakeholders engaged.

## *Local School-to-Work Partnerships*

Local partnerships are the level at which real action for the design and delivery of school-to-work opportunities programs under the STWOA takes place. Local partnerships must exist at the “community” level, which allows the partnerships to be formed according to existing relationships and political boundaries. For most communities, this will be at the school district level. These partnerships are required under the STWOA as the conduit for program funding within a community—the vast portion of grant funds awarded to the state must be given out in sub-grants to local partnerships for design and implementation of actual programs.

The partnerships must include representatives from local school systems, post-secondary institutions and employers, organized labor, teachers and counselors, and students, and may include parents, community-based organizations, service providers, vocational student organizations, Regional Employment Boards, local offices of state agencies, and other “stakeholders” within the community. The local partnerships are responsible for:

- ensuring that school-to-work activities are designed and delivered to meet the needs of both students and employers and assuring that each element of the STWOA has been considered and addressed in the operation of a local program—in-school activities, at-work activities, at-risk activities, connecting activities, and measurements;
- recruiting and expanding programs to additional schools and employers;
- assuring full access by all students who seek to participate in a local program, including focused attention on the special needs of at-risk and out-of-school youth and students with disabilities, and assuring equitable representation of young women and minorities in nontraditional programs;
- informing the community about current school-to-work programs in order to recruit more participants; and
- reporting to regional school-to-work committees on the local efforts towards achieving the benchmark performance measurements and identifying issues and barriers that inhibit the expansion of the school-to-work system.

### *Regional School-to-Work Committees*

A regional school-to-work committee has been organized by each of the Regional Employment Boards. The regional school-to-work committees will conduct a participatory planning process in their area and develop a strategic plan that will coordinate activities involved in creating a system. Membership will include a similar range of stakeholders as on the statewide School-to-Work Committee and the MJC (*see* discussions below) and will include representatives from the local (community-level) school-to-work partnerships. The responsibilities of the regional school-to-work committees include:

- developing strategic plans that reflect both the capacity of the REBs and school districts, specific industry clusters, and the foundation of current school-to-work programs in their areas;
- monitoring progress towards goals and reporting to the statewide School-to-Work Committee;
- coordinating regional and local marketing and public relations campaigns;
- convening local partnerships in those areas where they have not developed naturally; and
- evaluating local school-to-work programs and incorporating continuous improvement activities into plans.

### *Regional Employment Boards*

A Regional Employment Board (REB) exists under state statute as the entity responsible for coordinating workforce development policy within its sub-state region. There are sixteen REBs across all of the Commonwealth. The Education Reform Act empowered REBs as the vehicle for planning and developing school-to-work transition on a regional basis. The ERA provides:

*Section 98. Each Regional Employment Board . . . shall work with comprehensive high schools and regional vocational-technical schools in its region to develop a plan to provide transition for students into the workforce. Such plan shall be incorporated into an annual report from the school district to the Regional Employment Board. Each Regional Employment Board shall submit a workforce development strategic plan annually to the MASSJOBS Council. This plan shall include a comprehensive school-to-work transition policy for its region.*

Regional Employment Boards will serve as forums to engage key stakeholders in developing a consensus on:

- identifying all programs offered by secondary and post-secondary educational institutions in their regions that provide structured career pathways for youth;
- identifying all services available that prepare at-risk and out-of-school youth for the world of work;
- identifying the number and types of firms that currently employ, or are willing to employ, high school age youth in their regions;
- using the knowledge base built up by the community colleges—regionally based entities that are experienced in school-to-work strategies;
- identifying industries that could create comprehensive work-based learning programs;
- working with key regional business organizations to designate an entity to provide career services and other “connecting activities” that connect high school age youth and local businesses at a significant scale;
- identifying all services available that prepare students with disabilities for the world of work;
- providing ways and means for teachers to be exposed to business and industry to assist them in bringing more workforce relevance to classroom exploration;
- monitoring the progress and evaluating the outcomes of various school-to-work efforts taking place in their regions; and
- using all of this information to develop and refine a strategic plan for school-to-work programs in their regions.

### *The Statewide School-to-Work Committee*

A statewide School-to-Work Committee will be established by Executive Order to oversee the implementation of a statewide system—continuation of the work done by the MASSJOBS Council Task Force on School-to-Work Transition. As a permanent entity, the Committee will oversee school-to-work policy and implementation at the state level. This Committee will have membership representing a broad range of key parties who will participate in integrating our schools and workplaces—cabinet secretaries, representatives of state agencies, local officials, and key business, community-based organizations and other private-sector representatives. It is expected that individual members will provide leadership and coordination within the sector that they represent. State agency representatives will lend staff support to the Committee. To guide the agenda and work of the group, an Executive Committee will be established, which will employ professional staff to carry out its responsibilities, which include:

- coordination of state-level planning, development, and implementation activities;
- establishment of performance standards to assure that each local program complies with all program elements and safeguards set forth in the STWOA;
- establish statewide system benchmarks through a broad process involving the legislature, state agencies, the private sector, schools, community colleges, Regional Employment Boards, and others;
- review of REB strategic plans for school-to-work programs, activities, and information campaigns;
- development of a statewide marketing and information dissemination plan in coordination with local and regional efforts;
- capacity-building for REBs and school districts about effective strategies and programs;
- integrate all funding sources by coordinating state budget requests for school-to-work initiatives, recommendations for reallocation of state and federal funds, and plans for federal waiver requests;



- assuring the accessibility of school-to-work programs for all individuals;
- reporting to the Governor on the status of all aspects of the state's school-to-work initiative and developing further recommendations to resolve statewide issues and barriers; and
- coordination of responses to federal evaluation and audit activities related to school-to-work.

### *MASSJOBS Council*

The MASSJOBS Council (MJC) is a state-level coordinating council that is charged with the responsibility of setting policy and providing oversight for over forty employment, training, and employment-related education programs in the Commonwealth. The thirty-one members of the MJC are drawn from business and industry, state agencies, local service providers, education, organized labor, local government, and the state legislature.

School-to-work transition is one of the major policy issues being promoted by the MJC. Accordingly, in its ongoing efforts to improve the workforce development system, the MJC will work to ensure that school-to-work activities are coordinated with other workforce development initiatives.

# Learning to Compete: Linking Youth to Careers

## The Massachusetts Plan for a Comprehensive System of School-to-Work Transition

### Executive Summary

(The following is an Executive Summary of the application submitted by Massachusetts for a federal grant to implement a statewide school-to-work system. This application was submitted to the federal Departments of Education and Labor in April 1994.)

Since June of 1993, stakeholders in the Commonwealth of Massachusetts have been developing a plan for a statewide system of school-to-work transition that meets the learning needs of all students as well as the workforce skill needs of our employers. Our efforts have resulted in broad agreement on a vision for a system that will reach at least half of all high school seniors by the year 2000. Operating under the leadership of the MASSJOBS Council Task Force on School-to-Work Transition—chaired jointly by Piedad Robertson, Secretary of Education, and William J. Spring, Vice President of the Boston Federal Reserve Bank—the Task Force transmitted recommendations to Governor William F. Weld and Lt. Governor Argeo Paul Cellucci on steps needed to implement a comprehensive system. The Task Force also led the effort to prepare and submit a competitive application for implementation funding under the federal School-to-Work Opportunities initiative.

This brief summary outlines the major components of the Massachusetts vision and implementation plan. Our vision seeks to create a system that works for all youths—whether they are in-school, currently out-of-school, at risk, or college bound.

**The Vision for a Massachusetts School-to-Work System.** By the year 2000, the system will:

- call for all young people at the 10th grade level to demonstrate mastery of core skills (*design implications: the system is for all students, not just a limited segment; the system is oriented around performance-based learning; the system will encourage all students to meet challenging core academic standards*);
- engage about one-half of all 11th and 12th grade students in structured work and learning (*design implications: we will organize our efforts to reach half of our students; our vision integrates school with work-based learning*);
- lead to the award of a skill certificate that represents demonstrated mastery of industry-recognized skills (*design implication: students will earn a performance-based credential; a cornerstone of the system is the organization of business and industry to define statewide skill standards*);
- provide employers with entry-level workers educated according to broad academic and industry-specific standards (*design implication: the school-to-work system is part of a broader workforce development system*);
- empower communities to work collaboratively to create local programs (*design implication: the system is decentralized, with communities responsible for collaborative program design and operation*);

- provide all young people with individualized career search and job market guidance (*design implication: the system exhibits increased focus on the career needs of youth, and organizes resources that help connect young people to real jobs*);
- have students develop a portfolio that documents specific academic and industry skills (*design implication: a new system of assessment gives students a tangible product that represents their ability to apply knowledge*);
- encourage all students to continue education beyond high school (*design implication: the system supports a variety of options for students to pursue, including higher education as well as entry into job market*);
- give key stakeholders accurate information about the labor market (*design implication: timely, accurate information about jobs, economic trends, skill needs, and educational opportunities is necessary to establish a realistic youth labor market*); and
- establish performance standards for educational and labor market outcomes for young people (*design implication: institutions and programs will be evaluated based on their actual performance in helping students*).

**A Strategic System.** Our school-to-work system builds on two key foundations—our blueprint for state economic development and a powerful education reform agenda:

- Our state's economic strategy, embodied in *Choosing to Compete: A Statewide Strategy for Job Creation and Economic Growth*, calls for new investments in education and skill development. The school-to-work system will be developed by building on key industry clusters that are strategic economic priorities within each region. The economic health of sub-state regions depends on the health of key "clusters" of industries—groups of individual firms, suppliers, customers, specialized support institutions, and skilled labor pools within industry sectors. School-to-work implementation is designed to target the education, training, and skill needs of critical and emerging industries and clusters within each region.
- The school-to-work system is built on the framework of the Massachusetts Education Reform Act of 1993 so that school-to-work transition is in full harmony with fundamental reforms taking place within the educational system. Among many other features, the Act calls for:
  - development of a common core of learning and statewide curriculum frameworks that identify by subject matter and grade level what students will be expected to know and be able to do when they complete secondary education;
  - three new certifications—10th grade Competency Determination; Certificate of Occupational Proficiency; and Certificate of Advanced Mastery;
  - high academic standards, combined with new forms of authentic student assessment;
  - the elimination of the general educational track and greater use of thematic career majors in all high school systems;
- Our network of Regional Employment Boards (REBs) will play a major role in implementing the system in order to ensure that school-to-work is part of a comprehensive workforce development system already under construction within the state. REBs are a "board of directors" for job-related education and training programs in each region. They will help translate state policy priorities into local action by developing communication among key stakeholders. The Education Reform Act establishes REBs as a vehicle for planning and developing regionwide school-to-work systems—each REB is required to work



with high schools to develop a comprehensive plan for school-to-work transition policy within its region.

#### **System Governance.**

- Massachusetts will establish a governance structure at the state level that is responsible for policy coordination, oversight, establishing standards, developing uniform performance measures for the system, and developing recommendations for funding;
- REBs will carry out the role required by the Education Reform Act, and they will take a lead in regional planning, convening regional school-to-work committees, mobilizing employer support, and assuring active involvement of all groups;
- regional school-to-work committees will help develop regional plans, monitor progress toward goals, and coordinate marketing efforts; and
- local partnerships (at the community level) will design and manage all local programs.

#### **Standards, Evaluation, and Accountability.** Over the next five years, the Commonwealth will:

- develop statewide industry-specific skills standards for use at the program level;
- implement a Placement Accountability System (PAS)—an electronic data base that tracks long-term wages and employment of individuals who have graduated from schools, school-to-work programs, and other training programs in the state; and
- establish system benchmarks—performance measures that will be guidelines for the creation of regional and local benchmarks.

#### **Technical Assistance.** The Commonwealth recognizes its significant responsibility in providing technical assistance and other learning activities for school-to-work partners, including:

- demonstration of effective programs at the school-building level; and
- building REB capacity for convening, strategic planning, and local partnership development.

#### **A Strategy for Local Program Development.** To begin the steps that create a system that builds on existing practices, Massachusetts has:

- awarded planning grants to seven REBs to develop regional strategic plans as well as create demonstration programs;
- funded the Governor's Youth-At-Risk Summer Jobs Program, which is experimenting with the integration of academic and work-based learning through the creation of project-based modules developed and facilitated by academic teachers;
- fostered conversion of existing program models in Tech Prep, cooperative education, and others;
- developed formalized, integrated learning that links education with "traditional" youth labor jobs; and
- developed a comprehensive system for the Boston school system from a wide variety of programs that serve in-school and out-of-school youth.



# The Massachusetts Education Reform Act of 1993: Key Strategies and Components Affecting School-to-Work Transition

Massachusetts has taken a first step towards creating the schools of the future. In June of 1993, Governor Weld signed into law the Massachusetts Education Reform Act of 1993 (ERA or the Act), which establishes a set of bold initiatives that moves Massachusetts to the forefront of education reform in the nation. The Act is the most powerful tool the state currently has for mobilizing the schools around the school-to-work objectives and institutionalizing those objectives within all school systems. The implementation of the Act, which will proceed under the policy authority of the Massachusetts Board of Education, supports the state's vision for a school-to-work transition system.

The following educational policy issues, products, and components all affect the design and implementation of school-to-work transition:

- ***Elimination of the General Track.*** The Education Reform Act calls for each school district to submit to the Board of Education, by September 1994, a plan to eliminate the general educational track in all district schools. Based on these plans, the Commissioner of Education must then submit an action plan by December 1995 to the Board of Education and the Legislature to eliminate the general track in all school districts in the Commonwealth. This directive provides an opportunity for the state to encourage the creation and/or expansion of program options in which the academic and vocational components are strengthened and better integrated than is the case with the current general track.

The Commissioner's plan should rely heavily on the establishment of flexible career majors for all students—the approach supported by the federal School-to-Work Opportunities Act of 1994 (the STWOA). A resource guide—to be prepared by the Massachusetts Department of Education for use by school districts seeking to eliminate the general track—should include a clear outline of the state's vision for school-to-work systems. In addition, districts should expand and enhance existing programs in order to better serve students who have been considered a part of the general track.

- ***Common Core of Learning.*** As specified in the ERA, the Common Core of Learning is a process intended to set standards for students in kindergarten through twelfth grade and to specifically identify the skills, competencies, and knowledge that all students are expected to master by the conclusion of individual grades or clusters of grades. In addition to developing academic standards for the core subjects of mathematics, science and technology, history and social science, English, foreign language, and the arts, the Common Core of Learning will likely include a career awareness component in the primary and secondary grades that provides students with exposure to productive work habits, informal exposure to the workplace, and understanding of career applications of academic subject matter. The Common Core of Learning must span all disciplines and encourage the kinds of broad-based competencies outlined in the report of the federal Secretary's Commission on Achieving the Necessary Skills (SCANS) including problem solving, resource management, and teamwork. The Common Core is

being developed by a special commission of “stakeholders,” which reports its content recommendations to the Board of Education. Preliminary results will be published in the summer of 1994, with final contents established in subsequent years.

- *Curriculum Frameworks.* In accordance with the ERA, the Commissioner of Education must institute a process for drawing up curriculum frameworks for the core subjects that present broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies, and knowledge related to established academic standards. The curriculum frameworks will provide sufficient detail to guide and inform processes for student assessment as well as the education, professional development, certification, and evaluation of teachers. Thus, the redesign of curriculum frameworks provides the opportunity to develop curriculum frameworks that incorporate, to a greater degree, such things as team teaching, career awareness, workplace competencies, critical skill instruction, industry-based standards, and general employability skill instruction. Draft frameworks for math and science were published in early summer 1994, with additional subject matter frameworks to be developed in the coming years.
- *Competency Determination.* Students will be assessed to measure their attainment of basic academic skills at a tenth-grade level—successful assessments will be “credentialed” with a competency determination. The Board of Education is in the process of developing this standard. The competency determination will be based on the new academic standards and curriculum frameworks for tenth graders in the areas of mathematics, science and technology, history and social science, and English and will certify that a particular student has demonstrated mastery of a common core of skills, competencies, and knowledge in these areas. The establishment of the competency determination provides an opportunity to ensure that all students achieve a high and comparable level of academic proficiency, regardless of whether the student is thought to be on a “college preparatory” or a “career” pathway. The competency determination itself should be the kick-off point of a student’s career major. If competency has not been achieved by the end of the tenth grade, a student should be encouraged to pursue his or her major, but it should be augmented with courses that reinforce the core academic skills and will lead to the eventual achievement of the competency determination.
- *Certificate of Occupational Proficiency.* Under the ERA, a Certificate of Occupational Proficiency (COP) is to be awarded to students who successfully complete a comprehensive education and training program in a particular trade or professional skill area and will represent a determination that the recipient has demonstrated mastery of core skills, competencies, and knowledge. The Board of Education is charged with the development of the COP, which is currently scheduled to be in place by the 1996-97 school year. The COP should be a major component of state and local plans for the elimination of the general track. In accordance with the federal STWOA, the state Department of Education should ensure that career majors leading to a COP successfully integrate vocational and academic instruction, school-based and work-based learning, and—in the appropriate instances—secondary and post-secondary instruction. The COP should be based on core skills and knowledge in a particular trade or professional skill area and should include some work-based learning requirement, depending on the student’s orientation to a chosen pathway.

In order that the COP becomes a well-regarded option for all students, it should be available at comprehensive schools, vocational schools, and post-secondary institutions, and all students should



have the option to earn one. During FY 95, skill standards groups should be established to begin to outline the necessary skills and competencies for key Massachusetts clusters as well as the related "career majors" and curriculum frameworks. Standards, when possible, should be based on national and international skill standards so as to be portable.

- *Certificate of Advanced Mastery.* The Certificate of Advanced Mastery (CAM), to be designed and approved by the Board of Education, is a credential that will be based upon a determination that the recipient has demonstrated a mastery of a comprehensive body of skills, competencies, and knowledge comparable to that possessed by accomplished graduates of high school or equivalent programs. Eligibility for potential receipt of the CAM will extend to all secondary students residing in the Commonwealth. Like the COP, the CAM will be competency-based and will be available to all students at comprehensive schools, vocational schools, and post-secondary institutions. The CAM is currently scheduled for implementation in the 1997-98 school year.
- *Student Assessment System.* As called for in the Act, the Board of Education will adopt a system for annually evaluating the performance of both school districts and individual public schools. The system will be designed both to measure outcomes and results regarding student performance as well as to improve the effectiveness of curriculum and instruction. In addition, comprehensive diagnostic assessments of individual students will be conducted at least in the fourth, eighth, and tenth grades. These diagnostic assessments, which should be sensitive to factors relating to student disability and culture, will identify academic achievement levels of all students in order to inform teachers, parents, administrators, and the students themselves of individual academic performance.

The Act also provides Massachusetts with the opportunity to develop and implement an assessment system that accurately recognizes and measures a student's work-based achievements as part of his or her overall performance. Development of "authentic gauges of performance" that test subject matter knowledge must be sure to factor in multi-disciplinary, project-based team learning that lies at the heart of school-to-work program delivery.

- *Alternative Education.* The Act calls for the Commissioner of Education to assess current programs of alternative education and to develop a statewide action plan to expand and improve the delivery of alternative education programs. Additionally, it calls for the Board of Education to, subject to appropriation, establish demonstration grants to develop alternative education programs to assist students who are having difficulty achieving the competency determination and who want to move directly into the workforce. Providing services that target so-called "at-risk youth" and out-of-school youth is a major element of both the federal criteria and the Massachusetts vision of a school-to-work system. The integration of academic and occupational education as well as that of school-based and work-based learning (as called for in the federal and state visions) provides a new way to design learning opportunities for students currently under-served by existing programs and should be a defining premise of the Commissioner's action plan as well as of future demonstration program models. Furthermore, demonstration grants should be sure to encourage innovative approaches to preparing "at-risk" and out-of-school youth for and providing them with the same certificates of achievement available to in-school youth.

- *Vocational Education Standards.* As stated in the Act, the Board of Education will be responsible for setting standards for vocational-technical education programs and for school-to-work transition programs. In this, the Board is required to give particular emphasis for setting standards for the integration of academic and vocational education and to the progress in educating students for all aspects of industry. The Board will then assess these areas based on curriculum plans, staffing patterns, and other factors that it deems pertinent. Outcomes orientation, academic and vocational integration, and preparation in “all aspects of industry” are essential components for any school-to-work system. Thus, this section provides Massachusetts with the opportunity to ensure that current vocational education programs are enhanced to meet both the federal criteria and the Massachusetts vision of a comprehensive school-to-work system.

While vocational education should focus on teaching broad-based skill standards, existing vocational programs should also be evaluated on how their course offerings address the economic needs of the regions that they serve. In addition, the state Department of Education should submit a plan to the Board of Education on how federal Perkins Act (vocational education) funding and federal Wagner-Peyser Act (employment service) funding might support the school-to-work system. This plan should include a description of the necessary federal waivers to accomplish the proposed spending changes. The Board should work collaboratively with the state School-to-Work Committee—a state-wide body to be established to oversee school-to-work policy and implementation—on putting into practice Department recommendations.

- *Professional Development.* The Act states that every school district should adopt and implement a professional development plan for all principals, teachers, and other professional staff employed by the district. In consultation with the Secretary of Education and the Chancellor of Higher Education, the Commissioner of Education will then prepare an annual plan for providing statewide assistance in the preparation and implementation of districts’ professional development plans. Because the success of new school-to-work programs will depend on the ability of the teachers to connect in-school curriculum with the outside experiences of students, professional development should reinforce the importance of and methods for integrating academic and vocational education and teaching an applied curriculum. Professional development should also include opportunities for all teachers to serve in internships and externships in the private sector as a way of better understanding the world of work. This component will enable teachers to better integrate the demands of the workplace into school-based instruction, as well as to expand private sector understanding of the school. And, because full-scale school-to-work programming is likely to call for broad curricular as well as cultural changes in the classroom, it is crucial that the state and individual schools develop and support enhanced professional development plans for *all* teachers.

In order for these changes to be implemented, professional development linked to school-to-work reform must be given priority attention in the state’s Plan for Professional Development, and it must become part of the “traditional” professional development offerings of all school districts as well as part of any local expansion of professional development funded with money provided through the Education Reform Act. Additionally, focus groups of teachers from different regions of the state should be convened to solicit ideas for professional development, identify their needs, establish baseline knowledge on school-to-work, and empower them to take a leadership role in the development and delivery of curriculum for a school-to-work system. Likewise, school districts should be encouraged to collaborate with community colleges in their regions regarding professional development as it relates to

school-to-work, and developmental funds should be used to establish or augment such pilot regional partnerships (or partnerships with private sector organizations) that focus on the task of professional development.

- **Teacher Certification.** The Act provides the Board of Education with the authority to grant provisional and standard teaching certificates. Standard certification will be issued for five years and anyone granted a certificate or currently holding a certificate will be required to maintain the development skills and knowledge pertinent to that certification. The Board is also given the authority to develop alternative certification methods.

By establishing new standards, regulations, and processes for the certification of school personnel, the Act affords Massachusetts the opportunity to influence and develop teacher certification and recertification methods that encourage alternative requirements more commensurate with the needs and goals of a school-to-work system. The course of professional development will be absolutely critical to a successful school-to-work system, and the Board should explicitly factor work-based training and experiences into the alternative certification and recertification methods as well as devote a portion of its resources for such opportunities. In order for the system to be comprehensive, academic teachers as well as vocational and technical teachers should be encouraged to receive work-based training and experience as part of professional development and certification and recertification. Finally, guidance counselor licensing and recertification should be designed to encourage training in career awareness development and career-related counseling as well as work-based training and experience.

- **Dual Enrollment.** Under the Act, a qualified student in public secondary school may simultaneously enroll in Massachusetts public institutions of higher education and earn both secondary school and college credits. The Secretary of Education, in conjunction with the Higher Education Coordinating Council and the Board of Education, has the authority to define which students may qualify for the program, establish criteria for admission, and otherwise administer this program. The provision for dual enrollment enables the integration of secondary and post-secondary education (as called for by school-to-work) and should be examined as an option for high school students in career majors that require post-secondary education. As a requisite to receiving state funding for dual enrollment, districts should be required to design a strategy for using the dual enrollment option as a way of enhancing current curricular offerings.
- **Time and Learning.** The Act requires the Board of Education to prepare a plan to extend the time that students attend school, which is based upon an evaluation of the amount of time students currently spend in the classroom and in school. This report will be filed with the legislature. This section of the Act provides Massachusetts with the opportunity to restructure the school day and/or year in such a way as to accommodate the work-based learning component required of a leading-edge school-to-work system. For example, some programs could operate year-round so as to provide work-based or school-based instruction around summer jobs. The state plan needs to take into account greater flexibility in the school day and school year in order to accommodate the work-based learning components of an effective school-to-work system without closing off students' ability to participate in broad academic opportunities.



- *Pilot Programs.* The relevant sections of the Act call for the Board of Education to establish a grant program to create job compacts for community summer and after-school employment opportunities for students. The Board will also, with the assistance of the Council and subject to appropriation, establish four demonstration grants to consortia of vocational schools, comprehensive schools, and community colleges to promote local and regional collaboration. Clearly, collaboration among these institutions is a required and critical element of a successful school-to-work system, and any newly funded partnerships of these institutions should be designed around the federal criteria and the Massachusetts vision for school-to-work. Furthermore, the summer and after-school job compacts should serve as models for integrating school-based and work-based learning, and these should also be designed around the federal criteria and the Massachusetts vision for school-to-work.
- *The Role of Regional Employment Boards.* The Act requires each Regional Employment Board (REB) to work with comprehensive schools and regional vocational schools in its region to develop a comprehensive school-to-work plan for its region and to submit it annually to the MASSJOBS Council. A REB link with local school districts is an important element of system building for school-to-work transition, particularly because the REBs will be asked to provide a coordinating structure to convene local partners and develop local and regional school-to-work systems. For the REBs to be successful in working with the local districts, the Department of Education must work with the School-to-Work Committee to provide school districts and REBs with an outline of necessary elements of a school-to-work plan. Following this, the School-to-Work Committee should make clear recommendations to the MASSJOBS Council on specific activities that must take place to build REB capacity on school to work issues.



# The School-to-Work Opportunities Act of 1994

## School-to-Work Opportunities Act of 1994

### AN ACT

To establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### Section 1. Short Title; Table of Contents

- (a) **Short Title.** This Act may be cited as the “School-to-Work Opportunities Act of 1994.”
- (b) **Table of Contents.** The table of contents is as follows:

Section 1. Short Title; Table of Contents

Section 2. Findings

Section 3. Purposes and Congressional Intent

Section 4. Definitions

Section 5. Federal Administration

Title I. School-to-Work Opportunities Basic Program Components

Section 101. General Program Requirements

Section 102. School-based Learning Component

Section 103. Work-based Learning Component

Section 104. Connecting Activities Component

Title II. School-to-Work Opportunities System Development and Implementation

Grants to States

*Subtitle A. State Development Grants*

Section 201. Purpose

Section 202. Authorization

Section 203. Application

Section 204. Approval of Application

Section 205. Use of Amounts

Section 206. Maintenance of Effort

Section 207. Reports

*Subtitle B. State Implementation Grants*

Section 211. Purpose

Section 212. Authorization

Section 213. Application

Section 214. Review of Application

Section 215. Use of Amounts

Section 216. Allocation Requirement

Section 217. Limitation on Administrative Costs

Section 218. Reports

*Subtitle C. Development and Implementation Grants for School-to-Work Programs for Indian Youths*

Section 221. Authorization

Section 222. Requirements

Title III. Federal Implementation Grants to Local Partnerships

Section 301. Purposes

Section 302. Authorization

Section 303. Application

Section 304. Use of Amounts

Section 305. Conformity with Approved State Plan

Section 306. Reports

Section 307. High Poverty Area Defined

Title IV. National Programs

Section 401. Research, Demonstration, and Other Projects

Section 402. Performance Outcomes and Evaluation

Section 403. Training and Technical Assistance

Section 404. Capacity Building and Information and Dissemination Network

Section 405. Reports to Congress

Section 406. Funding

Title V. Waiver of Statutory and Regulatory Requirements

Section 501. State and Local Partnership Requests and Responsibilities for Waivers

Section 502. Waiver Authority of Secretary of Education

Section 503. Waiver Authority of Secretary of Labor

Section 504. Combination of Federal Funds for High Poverty Schools

Section 505. Combination of Federal Funds by States for School-to-Work Activities

Title VI. General Provisions

Section 601. Requirements

Section 602. Sanctions

Section 603. State Authority

Section 604. Prohibition on Federal Mandates, Direction, and Control

Section 605. Authorization of Appropriations

Title VII. Other Programs

*Subtitle A. Reauthorization of Job Training for the Homeless Demonstration Program under the Stewart B. McKinney Homeless Assistance Act*

Section 701. Reauthorization

*Subtitle B. Tech-prep Programs*

Section 711. Tech-prep Education

*Subtitle C. Alaska Native Art and Culture*

Section 721. Short Title

Section 722. Alaska Native Art and Culture

*Subtitle D. Job Training*

Section 731. Amendment to Job Training Partnership Act to Provide Allowances for Child Care Costs to Certain Individuals Participating in the Job Corps

## Title VIII. Technical Provisions

Section 801. Effective Date

Section 802. Sunset

## Section 2. Findings. Congress finds that:

- (1) three-fourths of high school students in the United States enter the workforce without baccalaureate degrees, and many do not possess the academic and entry-level occupational skills necessary to succeed in the changing United States workplace;
- (2) a substantial number of youths in the United States, especially disadvantaged students, students of diverse racial, ethnic, and cultural backgrounds, and students with disabilities, do not complete high school;
- (3) unemployment among youths in the United States is intolerably high, and earnings of high school graduates have been falling relative to earnings of individuals with more education;
- (4) the workplace in the United States is changing in response to heightened international competition and new technologies, and such forces, which are ultimately beneficial to the Nation, are shrinking the demand for and undermining the earning power of unskilled labor;
- (5) the United States lacks a comprehensive and coherent system to help its youths acquire the knowledge, skills, abilities, and information about and access to the labor market necessary to make an effective transition from school to career-oriented work or to further education and training;
- (6) students in the United States can achieve high academic and occupational standards, and many learn better and retain more when the students learn in context, rather than in the abstract;
- (7) while many students in the United States have part-time jobs, there is infrequent linkage between—
  - (A) such jobs; and
  - (B) the career planning or exploration, or the school-based learning, of such students;
- (8) the work-based learning approach, which is modeled after the time-honored apprenticeship concept, integrates theoretical instruction with structured on-the-job training, and this approach, combined with school-based learning, can be very effective in engaging student interest, enhancing skill acquisition, developing positive work attitudes, and preparing youths for high-skill, high-wage careers;
- (9) Federal resources currently fund a series of categorical, work-related education and training programs, many of which serve disadvantaged youths, that are not administered as a coherent whole; and
- (10) in 1992 approximately 3,400,000 individuals in the United States age 16 through 24 had not completed high school and were not currently enrolled in school, a number representing approximately 11 percent of all individuals in this age group, which indicates that these young persons are particularly unprepared for the demands of a 21st century workforce.

## Section 3. Purposes and Congressional Intent

- (a) **Purposes.** The purposes of this Act are—
  - (1) to establish a national framework within which all States can create statewide School-to-Work Opportunities systems that—

- (A) are a part of comprehensive education reform;
  - (B) are integrated with the systems developed under the Goals 2000: Educate America Act and the National Skill Standards Act of 1994; and
  - (C) offer opportunities for all students to participate in a performance-based education and training program that will—
    - (i) enable the students to earn portable credentials;
    - (ii) prepare the students for first jobs in high-skill, high-wage careers; and
    - (iii) increase their opportunities for further education, including education in a 4-year college or university;
- (2) to facilitate the creation of a universal, high-quality school-to-work transition system that enables youths in the United States to identify and navigate paths to productive and progressively more rewarding roles in the workplace;
  - (3) to utilize workplaces as active learning environments in the educational process by making employers joint partners with educators in providing opportunities for all students to participate in high-quality, work-based learning experiences;
  - (4) to use Federal funds under this Act as venture capital, to underwrite the initial costs of planning and establishing statewide School-to-Work Opportunities systems that will be maintained with other Federal, State, and local resources;
  - (5) to promote the formation of local partnerships that are dedicated to linking the worlds of school and work among secondary schools and postsecondary educational institutions, private and public employers, labor organizations, government, community-based organizations, parents, students, State educational agencies, local educational agencies, and training and human service agencies;
  - (6) to promote the formation of local partnerships between elementary schools and secondary schools (including middle schools) and local businesses as an investment in future workplace productivity and competitiveness;
  - (7) to help all students attain high academic and occupational standards;
  - (8) to build on and advance a range of promising school-to-work activities, such as tech-prep education, career academies, school-to-apprenticeship programs, cooperative education, youth apprenticeship, school-sponsored enterprises, business-education compacts, and promising strategies that assist school dropouts, that can be developed into programs funded under this Act;
  - (9) to improve the knowledge and skills of youths by integrating academic and occupational learning, integrating school-based and work-based learning, and building effective linkages between secondary and postsecondary education;
  - (10) to encourage the development and implementation of programs that will require paid high-quality, work-based learning experiences;
  - (11) to motivate all youths, including low-achieving youths, school dropouts, and youths with disabilities, to stay in or return to school or a classroom setting and strive to succeed, by providing enriched learning experiences and assistance in obtaining good jobs and continuing their education in postsecondary educational institutions;
  - (12) to expose students to a broad array of career opportunities, and facilitate the selection of career majors, based on individual interests, goals, strengths, and abilities;



- (13) to increase opportunities for minorities, women, and individuals with disabilities, by enabling individuals to prepare for careers that are not traditional for their race, gender, or disability; and
  - (14) to further the National Education Goals set forth in title I of the Goals 2000: Educate America Act.
- (b) **Congressional Intent.** It is the intent of Congress that the Secretary of Labor and the Secretary of Education jointly administer this Act in a flexible manner that—
- (1) promotes State and local discretion in establishing and implementing statewide School-to-Work Opportunities systems and School-to-Work Opportunities programs; and
  - (2) contributes to reinventing government by—
    - (A) building on State and local capacity;
    - (B) eliminating duplication in education and training programs for youths by integrating such programs into one comprehensive system;
    - (C) maximizing the effective use of resources;
    - (D) supporting locally established initiatives;
    - (E) requiring measurable goals for performance; and
    - (F) offering flexibility in meeting such goals.

**Section 4. Definitions.** As used in this Act:

- (1) **All aspects of an industry.** The term “all aspects of an industry” means all aspects of the industry or industry sector a student is preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety issues, and environmental issues, related to such industry or industry sector.
- (2) **All students.** The term “all students” means both male and female students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, American Indians, Alaska Natives, Native Hawaiians, students with disabilities, students with limited-English proficiency, migrant children, school dropouts, and academically talented students.
- (3) **Approved state plan.** The term “approved State plan” means a statewide School-to-Work Opportunities system plan that is submitted by a State under section 213, is determined by the Secretaries to include the program components described in sections 102 through 104 and otherwise meet the requirements of this Act, and is consistent with the State improvement plan for the State, if any, under the Goals 2000: Educate America Act.
- (4) **Career guidance and counseling.** The term “career guidance and counseling” means programs—
  - (A) that pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decisionmaking, placement skills, and knowledge and understanding of local, State, and national occupational, educational, and labor market needs, trends, and opportunities;
  - (B) that assist individuals in making and implementing informed educational and occupational choices; and

- (C) that aid students to develop career options with attention to surmounting gender, race, ethnic, disability, language, or socioeconomic impediments to career options and encouraging careers in nontraditional employment.
- (5) **Career major.** The term “career major” means a coherent sequence of courses or field of study that prepares a student for a first job and that—
  - (A) integrates academic and occupational learning, integrates school-based and work-based learning, and establishes linkages between secondary schools and postsecondary educational institutions;
  - (B) prepares the student for employment in a broad occupational cluster or industry sector;
  - (C) typically includes at least 2 years of secondary education and at least 1 or 2 years of postsecondary education;
  - (D) provides the students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are planning to enter;
  - (E) results in the award of—
    - (i) a high school diploma or its equivalent, such as—
      - (I) a general equivalency diploma; or
      - (II) an alternative diploma or certificate for students with disabilities for whom such alternative diploma or certificate is appropriate;
    - (ii) a certificate or diploma recognizing successful completion of 1 or 2 years of postsecondary education (if appropriate); and
    - (iii) a skill certificate; and
  - (F) may lead to further education and training, such as entry into a registered apprenticeship program, or may lead to admission to a 2- or 4-year college or university.
- (6) **Community-based organizations.** The term “community-based organizations” has the meaning given such term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).
- (7) **Elementary school.** The term “elementary school” means a day or residential school that provides elementary education, as determined under State law.
- (8) **Employer.** The term “employer” includes both public and private employers.
- (9) **Governor.** The term “Governor” means the chief executive of a State.
- (10) **Local educational agency.** The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.
- (11) **Local partnership.** The term “local partnership” means a local entity that is responsible for local School-to-Work Opportunities programs and that—
  - (A) consists of employers, representatives of local educational agencies and local postsecondary educational institutions (including representatives of area vocational education schools, where applicable), local educators (such as teachers, counselors,

- or administrators), representatives of labor organizations or nonmanagerial employee representatives, and students; and
- (B) may include other entities, such as—
- (i) employer organizations;
  - (ii) community-based organizations;
  - (iii) national trade associations working at the local levels;
  - (iv) industrial extension centers;
  - (v) rehabilitation agencies and organizations;
  - (vi) registered apprenticeship agencies;
  - (vii) local vocational education entities;
  - (viii) proprietary institutions of higher education (as defined in section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) that continue to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq.);
  - (ix) local government agencies;
  - (x) parent organizations;
  - (xi) teacher organizations;
  - (xii) vocational student organizations;
  - (xiii) private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512);
  - (xiv) federally recognized Indian tribes, Indian organizations, and Alaska Native villages within the meaning of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and
  - (xv) Native Hawaiian entities.
- (12) **Postsecondary educational institution.** The term “postsecondary educational institution” means an institution of higher education (as such term is defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) which continues to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq.).
- (13) **Registered apprenticeship agency.** The term “registered apprenticeship agency” means the Bureau of Apprenticeship and Training in the Department of Labor or a State apprenticeship agency recognized and approved by the Bureau of Apprenticeship and Training as the appropriate body for State registration or approval of local apprenticeship programs and agreements for Federal purposes.
- (14) **Registered apprenticeship program.** The term “registered apprenticeship program” means a program registered by a registered apprenticeship agency.
- (15) **Related services.** The term “related services” includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(17)).
- (16) **Rural community with low population density.** The term “rural community with low population density” means a county, block number area in a nonmetropolitan county, or consortium of counties or of such block number areas, that has a population density of 20 or fewer individuals per square mile.
- (17) **School dropout.** The term “school dropout” means a youth who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.



- (18) **School site mentor.** The term “school site mentor” means a professional employed at a school who is designated as the advocate for a particular student, and who works in consultation with classroom teachers, counselors, related services personnel, and the employer of the student to design and monitor the progress of the School-to-Work Opportunities program of the student.
- (19) **School-to-Work opportunities program.** The term “School-to-Work Opportunities program” means a program that meets the requirements of this Act, other than a program described in section 401(a).
- (20) **Secondary school.** The term “secondary school” means—
  - (A) a nonprofit day or residential school that provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12; and
  - (B) a Job Corps center under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.).
- (21) **Secretaries.** The term “Secretaries” means the Secretary of Education and the Secretary of Labor.
- (22) **Skill certificate.** The term “skill certificate” means a portable, industry-recognized credential issued by a School-to-Work Opportunities program under an approved State plan, that certifies that a student has mastered skills at levels that are at least as challenging as skill standards endorsed by the National Skill Standards Board established under the National Skill Standards Act of 1994, except that until such skill standards are developed, the term “skill certificate” means a credential issued under a process described in the approved State plan.
- (23) **State.** The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
- (24) **State educational agency.** The term “State educational agency” means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.
- (25) **Workplace mentor.** The term “workplace mentor” means an employee or other individual, approved by the employer at a workplace, who possesses the skills and knowledge to be mastered by a student, and who instructs the student, critiques the performance of the student, challenges the student to perform well, and works in consultation with classroom teachers and the employer of the student.

## **Section 5. Federal Administration**

### **(a) Joint Administration**

- (1) **In general.** Notwithstanding the Department of Education Organization Act (20 U.S.C. 3401 et seq.), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Act entitled “An Act to Create a Department of Labor”, approved March 4, 1913 (29 U.S.C. 551 et seq.), and section 166 of the Job Training Partnership Act (29 U.S.C. 1576), the Secretaries shall jointly provide for, and shall exercise final authority over, the administration of this Act, and shall have final authority to jointly issue whatever procedures, guidelines, and regulations, in accordance with section



553 of title 5, United States Code, the Secretaries consider necessary and appropriate to administer and enforce the provisions of this Act.

- (2) **Submission of plan.** Not later than 120 days after the date of enactment of this Act, the Secretaries shall prepare a plan for the joint administration of this Act and submit such plan to Congress for review and comment.
- (b) **Acceptance of Gifts.** The Secretaries are authorized, in carrying out this Act, to accept, purchase, or lease in the name of the Department of Labor or the Department of Education, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.
- (c) **Use of Voluntary and Uncompensated Services.** Notwithstanding section 1342 of title 31, United States Code, the Secretaries are authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.

## **Title I. School-to-Work Opportunities Basic Program Components**

**Section 101. General Program Requirements.** A School-to-Work Opportunities program under this Act shall:

- (1) integrate school-based learning and work-based learning, as provided for in sections 102 and 103, integrate academic and occupational learning, and establish effective linkages between secondary and postsecondary education;
- (2) provide participating students with the opportunity to complete career majors;
- (3) incorporate the program components provided in sections 102 through 104;
- (4) provide participating students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are preparing to enter; and
- (5) provide all students with equal access to the full range of such program components (including both school-based and work-based learning components) and related activities, such as recruitment, enrollment, and placement activities, except that nothing in this Act shall be construed to provide any individual with an entitlement to services under this Act.

**Section 102. School-based Learning Component.** The school-based learning component of a School-to-Work Opportunities program shall include—

- (1) career awareness and career exploration and counseling (beginning at the earliest possible age, but not later than the 7th grade) in order to help students who may be interested to identify, and select or reconsider, their interests, goals, and career majors, including those options that may not be traditional for their gender, race, or ethnicity;
- (2) initial selection by interested students of a career major not later than the beginning of the 11th grade;
- (3) a program of study designed to meet the same academic content standards the State has established for all students, including, where applicable, standards established under the Goals 2000: Educate America Act, and to meet the requirements

necessary to prepare a student for postsecondary education and the requirements necessary for a student to earn a skill certificate;

- (4) a program of instruction and curriculum that integrates academic and vocational learning (including applied methodologies and team-teaching strategies), and incorporates instruction, to the extent practicable, in all aspects of an industry, appropriately tied to the career major of a participant;
- (5) regularly scheduled evaluations involving ongoing consultation and problem solving with students and school dropouts to identify their academic strengths and weaknesses, academic progress, workplace knowledge, goals, and the need for additional learning opportunities to master core academic and vocational skills; and
- (6) procedures to facilitate the entry of students participating in a School-to-Work Opportunities program into additional training or postsecondary education programs, as well as to facilitate the transfer of the students between education and training programs.

### **Section 103. Work-based Learning Component**

- (a) **Mandatory Activities.** The work-based learning component of a School-to-Work Opportunities program shall include—
  - (1) work experience;
  - (2) a planned program of job training and work experiences (including training related to pre-employment and employment skills to be mastered at progressively higher levels) that are coordinated with learning in the school-based learning component described in section 102 and are relevant to the career majors of students and lead to the award of skill certificates;
  - (3) workplace mentoring;
  - (4) instruction in general workplace competencies, including instruction and activities related to developing positive work attitudes, and employability and participative skills; and
  - (5) broad instruction, to the extent practicable, in all aspects of the industry.
- (b) **Permissible Activities.** Such component may include such activities as paid work experience, job shadowing, school-sponsored enterprises, or on-the-job training.

### **Section 104. Connecting Activities Component.** The connecting activities component of a School-to-Work Opportunities program shall include—

- (1) matching students with the work-based learning opportunities of employers;
- (2) providing, with respect to each student, a school site mentor to act as a liaison among the student and the employer, school, teacher, school administrator, and parent of the student, and, if appropriate, other community partners;
- (3) providing technical assistance and services to employers, including small- and medium-sized businesses, and other parties in—
  - (A) designing school-based learning components described in section 102, work-based learning components described in section 103, and counseling and case management services; and
  - (B) training teachers, workplace mentors, school site mentors, and counselors;

- (4) providing assistance to schools and employers to integrate school-based and work-based learning and integrate academic and occupational learning into the program;
- (5) encouraging the active participation of employers, in cooperation with local education officials, in the implementation of local activities described in section 102, section 103, or this section;
- (6)
  - (A) providing assistance to participants who have completed the program in finding an appropriate job, continuing their education, or entering into an additional training program; and
  - (B) linking the participants with other community services that may be necessary to assure a successful transition from school-to-work;
- (7) collecting and analyzing information regarding post-program outcomes of participants in the School-to-Work Opportunities program, to the extent practicable, on the basis of socioeconomic status, race, gender, ethnicity, culture, and disability, and on the basis of whether the participants are students with limited-English proficiency, school dropouts, disadvantaged students, or academically talented students; and
- (8) linking youth development activities under this Act with employer and industry strategies for upgrading the skills of their workers.

## Title II. School-to-Work Opportunities System Development and Implementation Grants to States

### *Subtitle A. State Development Grants*

**Section 201. Purpose.** The purpose of this subtitle is to assist States in planning and developing comprehensive statewide School-to-Work Opportunities systems.

### **Section 202. Authorization**

#### (a) **Grants to States**

- (1) **In general.** On the application of the Governor on behalf of a State in accordance with section 203, the Secretaries may provide a development grant to the State in such amounts as the Secretaries determine to be necessary to enable such State to complete planning and development of a comprehensive statewide School-to-Work Opportunities system.
- (2) **Amount.** The amount of a development grant under this section may not exceed \$1,000,000 for any fiscal year.
- (3) **Completion.** The Secretaries may provide such grant to complete development of a statewide School-to-Work Opportunities systems initiated with funds received under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

- (b) **Grants to Territories.** In providing grants under this section to the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the

Marshall Islands, or the Republic of Palau, the Secretaries shall use amounts reserved under section 605(b)(1).

### **Section 203. Application**

- (a) **In General.** The Secretaries may not provide a development grant under section 202 to a State unless the Governor of the State, on behalf of the State, submits to the Secretaries an application, at such time, in such form, and containing such information as the Secretaries may reasonably require.
- (b) **Contents.** Such application shall include—
  - (1) a timetable and an estimate of the amount of funding needed to complete the planning and development necessary to implement a comprehensive statewide School-to-Work Opportunities system for all students;
  - (2) a description of how—
    - (A) the Governor;
    - (B) the State educational agency;
    - (C) the State agency officials responsible for economic development;
    - (D) the State agency officials responsible for employment;
    - (E) the State agency officials responsible for job training;
    - (F) the State agency officials responsible for postsecondary education;
    - (G) the State agency officials responsible for vocational education;
    - (H) the State agency officials responsible for vocational rehabilitation;
    - (I) the individual assigned by the State under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1));
    - (J) other appropriate officials, including the State human resource investment council established in accordance with title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.), if the State has established such a council; and
    - (K) representatives of the private sector; will collaborate in the planning and development of the statewide School-to-Work Opportunities system;
  - (3) a description of the manner in which the State has obtained and will continue to obtain the active and continued participation, in the planning and development of the statewide School-to-Work Opportunities system, of employers and other interested parties, such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, industrial extension centers, employees,



labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, rehabilitation agencies and organizations, Indian tribes, registered apprenticeship agencies, vocational educational agencies, vocational student organizations, and human service agencies;

- (4) a description of the manner in which the State will coordinate planning activities with any local school-to-work programs, including programs funded under title III, if any;
  - (5) a designation of a fiscal agent to receive and be accountable for funds provided from a grant under section 202; and
  - (6) a description of how the State will provide opportunities for students from low-income families, low-achieving students, students with limited-English proficiency, students with disabilities, students living in rural communities with low population densities, school dropouts, and academically talented students to participate in School-to-Work Opportunities programs.
- (c) **Coordination with Goals 2000: Educate America Act.** A State seeking assistance under both this subtitle and the Goals 2000: Educate America Act may—
- (1) submit a single application containing plans that meet the requirements of such subtitle and such Act and ensure that the plans are coordinated and not duplicative; or
  - (2) if such State has already submitted its application for funds under the Goals 2000: Educate America Act, submit its application under this subtitle as an amendment to the Goals 2000: Educate America Act application if such amendment meets the requirements of this subtitle and is coordinated with and not duplicative of the Goals 2000: Educate America Act application.

**Section 204. Approval of Application.** The Secretaries may approve an application submitted by a State under section 203 only if the State demonstrates in such application that the activities proposed to be undertaken by the State to develop a statewide School-to-Work Opportunities system are consistent with the State improvement plan for the State, if any, under the Goals 2000: Educate America Act.

**Section 205. Use of Amounts.** The Secretaries may not provide a development grant under section 202 to a State unless the State agrees that the State will use all amounts received from such grant for activities to develop a statewide School-to-Work Opportunities system, which may include—

- (1) identifying or establishing an appropriate State structure to administer the statewide School-to-Work Opportunities system;



- (2) identifying secondary and postsecondary school-to-work programs in existence on or after the date of the enactment of this Act that might be incorporated into such system;
- (3) identifying or establishing broad-based partnerships among employers, labor, education, government, and other community-based organizations and parent organizations to participate in the design, development, and administration of School-to-Work Opportunities programs;
- (4) developing a marketing plan to build consensus and support for such programs;
- (5) promoting the active involvement of business (including small- and medium-sized businesses) in planning, developing, and implementing local School-to-Work Opportunities programs, and in establishing partnerships between business and elementary schools and secondary schools (including middle schools);
- (6) identifying ways that local school-to-work programs in existence on or after the date of the enactment of this Act could be coordinated with the statewide School-to-Work Opportunities system;
- (7) supporting local planning and development activities to provide guidance, training and technical assistance for teachers, employers, mentors, counselors, administrators, and others in the development of School-to-Work Opportunities programs;
- (8) identifying or establishing mechanisms for providing training and technical assistance to enhance the development of the statewide School-to-Work Opportunities system;
- (9) developing a training and technical support system for teachers, employers, mentors, counselors, related services personnel, and others that includes specialized training and technical support for the counseling and training of women, minorities, and individuals with disabilities for high-skill, high-wage careers in nontraditional employment;
- (10) initiating pilot programs for testing key components of the program design of programs under the statewide School-to-Work Opportunities system;
- (11) developing a State process for issuing skill certificates that is, to the extent feasible, consistent with the skill standards certification systems endorsed under the National Skill Standards Act of 1994;
- (12) designing challenging curricula, in cooperation with representatives of local partnerships, that take into account the diverse learning needs and abilities of the student population served by the statewide School-to-Work Opportunities system;
- (13) developing a system for labor market analysis and strategic planning for local targeting of industry sectors or broad occupational clusters that can provide students with placements in high-skill workplaces;
- (14) analyzing the post-high school employment experiences of recent high school graduates and school dropouts;
- (15) preparing the plan described in section 213(d);

- (16) working with localities to develop strategies to recruit and retain all students in programs under this Act through collaborations with community-based organizations, where appropriate, and other entities with expertise in working with such students;
- (17) coordinating recruitment of out-of-school, at-risk, and disadvantaged youths with those organizations and institutions that have a successful history of working with such youths; and
- (18) providing technical assistance to rural areas in planning, developing, and implementing local School-to-Work Opportunities programs that meet the needs of rural communities with low population densities.

#### **Section 206. Maintenance of Effort**

- (a) **In General.** A State may receive a development grant under section 202 for a fiscal year only if the State provides assurances, satisfactory to the Secretaries, that:
  - (1) the amount of State funds expended per student by the State for school-to-work activities of the type described in title I for the preceding fiscal year was not less than 90 percent of the amount so expended for the second preceding fiscal year; or
  - (2) the aggregate amount of State funds expended by the State for such activities for the preceding fiscal year was not less than 90 percent of the amount so expended for the second preceding fiscal year.
- (b) **Waiver**
  - (1) **Determination.** The Secretaries may jointly waive the requirements described in subsection (a) for a State that requests such a waiver if the Secretaries determine that such a waiver would be equitable due to—
    - (A) exceptional or uncontrollable circumstances such as a natural disaster; or
    - (B) a precipitous decline in the financial resources of the State.
  - (2) **Request.** To be eligible to receive such a waiver, a State shall submit a request at such time, in such form, and containing such information as the Secretaries may require.

**Section 207. Reports.** The Secretaries may not provide a development grant under section 202 to a State unless the State agrees that the State will submit to the Secretaries such reports as the Secretaries may reasonably require, relating to the use of amounts from such grant, except that the Secretaries may not require more than 1 such report during any 3-month period.

#### ***Subtitle B. State Implementation Grants***

**Section 211. Purpose.** The purpose of this subtitle is to assist States in the implementation of comprehensive statewide School-to-Work Opportunities systems.

**Section 212. Authorization**

- (a) **Grants to States.** On the application of the Governor on behalf of a State in accordance with section 213, the Secretaries may provide an implementation grant to the State in such amounts as the Secretaries determine to be necessary to enable such State to implement a comprehensive statewide School-to-Work Opportunities system.
- (b) **Grants to Territories.** In providing grants under this section to the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, the Secretaries shall use amounts reserved under section 605(b)(1).
- (c) **Period of Grant.** The provision of payments under a grant under subsection (a) shall not exceed 5 fiscal years and shall be subject to the annual approval of the Secretaries and subject to the availability of appropriations for the fiscal year involved to make the payments.
- (d) **Limitation.** A State shall be eligible to receive only 1 implementation grant under subsection (a).

**Section 213. Application****(a) In General**

- (1) **Submission by governor on behalf of state.** Subject to paragraph (2), the Secretaries may not provide an implementation grant under section 212 to a State unless the Governor of the State, on behalf of the State, submits to the Secretaries an application, at such time, in such form, and containing such information as the Secretaries may reasonably require.
- (2) **Review and comment by certain individuals and entities.** If, after a reasonable effort, the Governor is unable in accordance with subsection (d)(4) to obtain the support of the individuals and entities described in subparagraphs (A) through (J) of subsection (b)(4) for the State plan described in subsection (d), then the Governor shall—
  - (A) provide such individuals and entities with copies of such application;
  - (B) allow such individuals and entities to submit to the Governor, not later than the end of the 30-day period beginning on the date on which the Governor provides such individuals and entities with copies of such application under subparagraph (A), comments on those portions of the plan that address matters that, under State or other applicable law, are under the jurisdiction of such individuals or entities; and
  - (C) include any such comments in the application in accordance with subsection (b)(5).

- (b) **Contents.** Such application shall include—
- (1) a plan for a comprehensive, statewide School-to-Work Opportunities system that meets the requirements of subsection (d);
  - (2) a description of the manner in which the State will allocate funds made available through such a grant to local partnerships under section 215(b)(7);
  - (3) a request, if the State decides to submit such a request, for 1 or more waivers of certain statutory or regulatory requirements, as provided for under title V;
  - (4) a description of the manner in which—
    - (A) the Governor;
    - (B) the State educational agency;
    - (C) the State agency officials responsible for economic development;
    - (D) the State agency officials responsible for employment;
    - (E) the State agency officials responsible for job training;
    - (F) the State agency officials responsible for postsecondary education;
    - (G) the State agency officials responsible for vocational education;
    - (H) the State agency officials responsible for vocational rehabilitation;
    - (I) the individual assigned for the State under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1));
    - (J) other appropriate officials, including the State human resource investment council established in accordance with title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.), if the State has established such a council; and
    - (K) representatives of the private sector; collaborated in the development of the application;
  - (5) the comments submitted to the Governor under subsection (a)(2), where applicable; and
  - (6) such other information as the Secretaries may require.
- (c) **Coordination with Goals 2000: Educate America Act.** A State seeking assistance under both this subtitle and the Goals 2000: Educate America Act may—
- (1) submit a single application containing plans that meet the requirements of such subtitle and such Act and ensure that the plans are coordinated and not duplicative; or
  - (2) if such State has already submitted its application for funds under the Goals 2000: Educate America Act, submit its application under this subtitle as an amendment to the Goals 2000: Educate America



Act application if such amendment meets the requirements of this subtitle and is coordinated with and not duplicative of the Goals 2000: Educate America Act application.

- (d) **State Plan.** A State plan referred to in subsection (b)(1) shall—
- (1) designate the geographical areas, including urban and rural areas, to be served by local partnerships that receive grants under section 215(b), which geographic areas shall, to the extent feasible, reflect local labor market areas;
  - (2) describe the manner in which the State will stimulate and support local School-to-Work Opportunities programs and the manner in which the statewide School-to-Work Opportunities system will be expanded over time to cover all geographic areas in the State, including urban and rural areas;
  - (3) describe the procedure by which the individuals and entities described in subsection (b)(4) will collaborate in the implementation of the School-to-Work Opportunities system;
  - (4) demonstrate the support of individuals and entities described in subparagraphs (A) through (J) of subsection (b)(4) for the plan, except in the case where the Governor is unable to obtain the support of such individuals and entities as provided in subsection (a)(2);
  - (5) describe the manner in which the State has obtained and will continue to obtain the active and continued involvement, in the statewide School-to-Work Opportunities system, of employers and other interested parties such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, industrial extension centers, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, rehabilitation agencies and organizations, registered apprenticeship agencies, local vocational educational agencies, vocational student organizations, State or regional cooperative education associations, and human service agencies;
  - (6) describe the manner in which the statewide School-to-Work Opportunities system will coordinate with or integrate local school-to-work programs in existence on or after the date of the enactment of this Act, including programs financed from State and private sources, with funds available from such related Federal programs as programs under—
    - (A) the Adult Education Act (20 U.S.C. 1201 et seq.);
    - (B) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);



- (C) the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.);
  - (D) the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);
  - (E) part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.);
  - (F) the Goals 2000: Educate America Act;
  - (G) the National Skills Standards Act of 1994;
  - (H) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);
  - (I) the Job Training Partnership Act (29 U.S.C. 1501 et seq.);
  - (J) the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.);
  - (K) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and
  - (L) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);
- (7) describe the strategy of the State for providing training for teachers, employers, mentors, counselors, related services personnel, and others, including specialized training and technical support for the counseling and training of women, minorities, and individuals with disabilities for high-skill, high-wage careers in nontraditional employment, and provide assurances of coordination with similar training and technical support under other provisions of law;
  - (8) describe how the State will adopt, develop, or assist local partnerships to adopt or develop model curricula and innovative instructional methodologies, to be used in the secondary, and where possible, the elementary grades, that integrate academic and vocational learning and promote career awareness, and that are consistent with academic and skill standards established pursuant to the Goals 2000: Educate America Act and the National Skill Standards Act of 1994;
  - (9) describe how the State will expand and improve career and academic counseling in the elementary and secondary grades, which may include linkages to career counseling and labor market information services outside of the school system;
  - (10) describe the strategy of the State for integrating academic and vocational education;
  - (11) describe the resources, including private sector resources, the State intends to employ in maintaining the statewide School-to-Work Opportunities system when funds under this Act are no longer available;

- (12) describe the extent to which the statewide School-to-Work Opportunities system will include programs that will require paid high-quality, work-based learning experiences, and the steps the State will take to generate such paid experiences;
- (13) describe the manner in which the State will ensure effective and meaningful opportunities for all students in the State to participate in School-to-Work Opportunities programs;
- (14) describe the goals of the State and the methods the State will use, such as awareness and outreach, to ensure opportunities for young women to participate in School-to-Work Opportunities programs in a manner that leads to employment in high-performance, high-paying jobs, including nontraditional employment, and goals to ensure an environment free from racial and sexual harassment;
- (15) describe how the State will ensure opportunities for low achieving students, students with disabilities, school dropouts, and academically talented students to participate in School-to-Work Opportunities programs;
- (16) describe the process of the State for assessing the skills and knowledge required in career majors, and the process for awarding skill certificates that is, to the extent feasible, consistent with the skills standards certification systems endorsed under the National Skill Standards Act of 1994;
- (17) describe the manner in which the State will ensure that students participating in the programs are provided, to the greatest extent possible, with flexibility to develop new career goals over time and to change career majors;
- (18) describe the manner in which the State will, to the extent feasible, continue programs funded under title III in the statewide School-to-Work Opportunities system;
- (19) describe how the State will serve students from rural communities with low population densities;
- (20) describe how local School-to-Work Opportunities programs, including those funded under title III, if any, will be integrated into the statewide School-to-Work Opportunities system;
- (21) describe the performance standards that the State intends to meet in establishing and carrying out the statewide School-to-Work Opportunities system, including how such standards relate to those performance standards established under other related programs;
- (22) designate a fiscal agent to receive and be accountable for funds provided from a grant under section 212; and
- (23) describe the procedures to facilitate the entry of students participating in a School-to-Work Opportunities program into additional training or postsecondary education programs, as well as to

facilitate the transfer of the students between education and training programs.

#### **Section 214. Review of Application**

- (a) **Considerations.** In evaluating applications submitted under section 213, the Secretaries shall—
  - (1) give priority to applications that describe the highest levels of concurrence by the individuals and entities described in section 213(b)(4) with the State plan for the statewide School-to-Work Opportunities system;
  - (2) give priority to applications that require paid, high-quality work-based learning experiences as an integral part of such system; and
  - (3) take into consideration the quality of the application, including the replicability, sustainability, and innovation of School-to-Work Opportunities programs described in the application.
- (b) **Approval Criteria.** The Secretaries—
  - (1) shall approve only those applications submitted under section 213 that demonstrate the highest levels of collaboration by the individuals and entities described in section 213(b)(4) in the development and implementation of the statewide School-to-Work system;
  - (2) shall approve an application submitted under section 213 only if the State provides the assurances described in section 206(a) (relating to maintenance of effort) in accordance with such section, except that this requirement may be waived in accordance with section 206(b); and
  - (3) may approve an application submitted under section 213 only if the State demonstrates in the application—
    - (A) that other Federal, State, and local resources will be used to implement the proposed State plan;
    - (B) the extent to which such plan would limit administrative costs and increase amounts spent on delivery of services to students enrolled in programs under this Act;
    - (C) that the State, where appropriate, will ensure the establishment of a partnership in at least 1 urban and 1 rural area in the State; and
    - (D) that the State plan contained in such application is consistent with the State improvement plan for the State, if any, under the Goals 2000: Educate America Act.
- (c) **Actions**
  - (1) **In general.** In reviewing each application submitted under section 213, the Secretaries shall determine whether the application and the plan described in such application meet the approval criteria in subsection (b).

- (2) **Actions after affirmative determination.** If the determination under paragraph (1) is affirmative, the Secretaries may take 1 or more of the following actions:
  - (A) Provide an implementation grant under section 212 to the State submitting the application.
  - (B) Approve the request of the State, if any, for a waiver in accordance with the procedures set forth in title V.
- (3) **Action after nonaffirmative determination.** If the determination under paragraph (1) is not affirmative, the Secretaries shall inform the State of the opportunity to apply for development funds under subtitle A in accordance with such subtitle.
- (d) **Use of Funds for Review of Applications.** The Secretaries may use amounts reserved under section 605(b)(4) for the review of applications submitted under section 213.

#### **Section 215. Use of Amounts**

- (a) **In General.** The Secretaries may not provide an implementation grant under section 212 to a State unless the State agrees that the State will use all amounts received from such grant to implement the statewide School-to-Work Opportunities system in accordance with this section.
- (b) **Subgrants to Local Partnerships**
  - (1) **Authority**
    - (A) **In general.** Except as provided in subparagraph (B), the State shall provide subgrants to local partnerships, according to criteria established by the State, for the purpose of carrying out School-to-Work Opportunities programs.
    - (B) **Prohibition.** The State shall not provide subgrants to local partnerships that have received implementation grants under title III, except that this prohibition shall not apply with respect to local partnerships that are located in high poverty areas, as such term is defined in section 307.
  - (2) **Application.** A local partnership that seeks a subgrant to carry out a local School-to-Work Opportunities program, including a program initiated under section 302, shall submit an application to the State that—
    - (A) describes how the program will include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of this Act;
    - (B) sets forth measurable program goals and outcomes;
    - (C) describes the local strategies and timetables of the local partnership to provide opportunities for all students in the area served to participate in a School-to-Work Opportunities program;



- (D) describes the extent to which the program will require paid high-quality, work-based learning experiences, and the steps the local partnerships will take to generate such paid experiences;
  - (E) describes the process that will be used to ensure employer involvement in the development and implementation of the local School-to-Work Opportunities program;
  - (F) provides assurances that, to the extent practicable, opportunities provided to students to participate in a School-to-Work Opportunities program will be in industries and occupations offering high-skill, high-wage employment opportunities;
  - (G) provides such other information as the State may require; and
  - (H) is submitted at such time and in such form as the State may require.
- (3) **Disapproval of application.** If the State determines that an application submitted by a local partnership does not meet the criteria under paragraph (2), or that the application is incomplete or otherwise unsatisfactory, the State shall—
- (A) notify the local partnership of the reasons for the failure to approve the application; and
  - (B) permit the local partnership to resubmit a corrected or amended application.
- (4) **Allowable activities.** A local partnership shall expend funds provided through subgrants under this subsection only for activities undertaken to carry out local School-to-Work Opportunities programs, and such activities may include, for each such program—
- (A) recruiting and providing assistance to employers, including small- and medium-size businesses, to provide the work-based learning components described in section 103;
  - (B) establishing consortia of employers to support the School-to-Work Opportunities program and provide access to jobs related to the career majors of students;
  - (C) supporting or establishing intermediaries (selected from among the members of the local partnership) to perform the activities described in section 104 and to provide assistance to students or school dropouts in obtaining jobs and further education and training;
  - (D) designing or adapting school curricula that can be used to integrate academic, vocational, and occupational learning, school-based and work-based learning, and secondary and postsecondary education for all students in the area served;

- (E) providing training to work-based and school-based staff on new curricula, student assessments, student guidance, and feedback to the school regarding student performance;
- (F) establishing, in schools participating in the School-to-Work Opportunities program, a graduation assistance program to assist at-risk students, low-achieving students, and students with disabilities, in graduating from high school, enrolling in postsecondary education or training, and finding or advancing in jobs;
- (G) providing career exploration and awareness services, counseling and mentoring services, college awareness and preparation services, and other services (beginning at the earliest possible age, but not later than the 7th grade) to prepare students for the transition from school-to-work;
- (H) providing supplementary and support services, including child care and transportation, when such services are necessary for participation in a local School-to-Work Opportunities program;
- (I) conducting or obtaining an in-depth analysis of the local labor market and the generic and specific skill needs of employers to identify high-demand, high-wage careers to target;
- (J) integrating school-based and work-based learning into job training programs that are for school dropouts and that are in existence on or after the date of the enactment of this Act;
- (K) establishing or expanding school-to-apprenticeship programs in cooperation with registered apprenticeship agencies and apprenticeship sponsors;
- (L) assisting participating employers, including small- and medium-size businesses, to identify and train workplace mentors and to develop work-based learning components;
- (M) promoting the formation of partnerships between elementary schools and secondary schools (including middle schools) and local businesses as an investment in future workplace productivity and competitiveness;
- (N) designing local strategies to provide adequate planning time and staff development activities for teachers, school counselors, related services personnel, and school site mentors, including opportunities outside the classroom that are at the worksite;
- (O) enhancing linkages between after-school, weekend, and summer jobs, career exploration, and school-based learning; and

- (P) obtaining the assistance of organizations and institutions that have a history of success in working with school dropouts and at-risk and disadvantaged youths in recruiting such school dropouts and youths to participate in the local School-to-Work Opportunities program.
- (5) **Local partnership compact.** The State may not provide a subgrant under paragraph (1) to a local partnership unless the partnership agrees that the local partnership will establish a process by which the responsibilities and expectations of students, parents, employers, and schools are clearly established and agreed upon at the point of entry of the student into a career major program of study.
- (6) **Administrative costs.** The local partnership may not use more than 10 percent of amounts received from a subgrant under paragraph (1) for any fiscal year for administrative costs associated with activities in carrying out, but not including, activities under paragraphs (4) and (5) for such fiscal year.
- (7) **Allocation requirements**
  - (A) **First year.** In the first fiscal year for which a State receives amounts from a grant under section 212, the State shall use not less than 70 percent of such amounts to provide subgrants to local partnerships under paragraph (1).
  - (B) **Second year.** In the 2d fiscal year for which a State receives amounts from a grant under section 212, the State shall use not less than 80 percent of such amounts to provide subgrants to local partnerships under paragraph (1).
  - (C) **Third year and succeeding years.** In the 3d fiscal year for which a State receives amounts from a grant under section 212, and in each succeeding year, the State shall use not less than 90 percent of such amounts to provide subgrants to local partnerships under paragraph (1).
- (c) **Additional State Activities.** In carrying out the statewide School-to-Work Opportunities system, the State may also—
  - (1) recruit and provide assistance to employers to provide work-based learning for all students;
  - (2) conduct outreach activities to promote and support collaboration, in School-to-Work Opportunities programs, by businesses, labor organizations, and other organizations;
  - (3) provide training for teachers, employers, workplace mentors, school site mentors, counselors, related services personnel, and other parties;

- (4) provide labor market information to local partnerships that is useful in determining which high-skill, high-wage occupations are in demand;
- (5) design or adapt model curricula that can be used to integrate academic, vocational, and occupational learning, school-based and work-based learning, and secondary and postsecondary education, for all students in the State;
- (6) design or adapt model work-based learning programs and identify best practices for such programs;
- (7) conduct outreach activities and provide technical assistance to other States that are developing or implementing School-to-Work Opportunities systems;
- (8) reorganize and streamline school-to-work programs in the State to facilitate the development of a comprehensive statewide School-to-Work Opportunities system;
- (9) identify ways that local school-to-work programs in existence on or after the date of the enactment of this Act could be integrated with the statewide School-to-Work Opportunities system;
- (10) design career awareness and exploration activities (beginning at the earliest possible age, but not later than the 7th grade), such as job shadowing, job site visits, school visits by individuals in various occupations, and mentoring;
- (11) design and implement school-sponsored work experiences, such as school-sponsored enterprises and community development projects;
- (12) promote the formation of partnerships between elementary schools and secondary schools (including middle schools) and local businesses as an investment in future workplace productivity and competitiveness;
- (13) obtain the assistance of organizations and institutions that have a history of success in working with school dropouts and at-risk and disadvantaged youths in recruiting such school dropouts and youths to participate in the statewide School-to-Work Opportunities system;
- (14) conduct outreach to all students in a manner that most appropriately meets their needs and the needs of their communities; and
- (15) provide career exploration and awareness services, counseling and mentoring services, college awareness and preparation services, and other services (beginning at the earliest possible age, but not later than the 7th grade) to prepare students for the transition from school-to-work.

**Section 216. Allocation Requirement.** The Secretaries shall establish the minimum and maximum amounts available for an implementation grant under section 212, and shall determine the actual amount granted to any State under such section, based on such criteria as



the scope and quality of the plan described in section 213(d) and the number of projected participants in programs carried out through the system.

**Section 217. Limitation on Administrative Costs.** A State that receives an implementation grant under section 212 may not use more than 10 percent of the amounts received through the grant for any fiscal year for administrative costs associated with implementing the statewide School-to-Work Opportunities system for such fiscal year.

**Section 218. Reports.** The Secretaries may not provide an implementation grant under section 212 to a State unless the State agrees that the State will submit to the Secretaries such reports as the Secretaries may reasonably require, relating to the use of amounts from such grant, except that the Secretaries may not require more than 1 such report during any 3-month period.

### *Subtitle C. Development and Implementation Grants for School-to-Work Programs for Indian Youths*

#### **Section 221. Authorization**

- (a) **In General.** From amounts reserved under section 605(b)(2), the Secretaries shall provide grants to establish and carry out School-to-Work Opportunities programs for Indian youths that involve Bureau funded schools (as defined in section 1139(3) of the Education Amendments of 1978 (25 U.S.C. 2019(3))).
- (b) **Additional Authorities.** The Secretaries may carry out subsection (a) through such means as the Secretaries find appropriate, including—
  - (1) the transfer of funds to the Secretary of the Interior; and
  - (2) the provision of financial assistance to Indian tribes and Indian organizations.

**Section 222. Requirements.** In providing grants under section 221, the Secretaries shall require recipients of such grants to comply with requirements similar to those requirements imposed on States under subtitles A and B of this title.

### **Title III. Federal Implementation Grants to Local Partnerships**

#### **Section 301. Purposes.** The purposes of this title are:

- (1) to authorize the Secretaries to provide competitive grants directly to local partnerships in order to provide funding for communities that have built a sound planning and development base for School-to-Work Opportunities programs and are ready to begin implementing a local School-to-Work Opportunities program; and
- (2) to authorize the Secretaries to provide competitive grants to local partnerships to implement School-to-Work Opportunities programs in high poverty areas of urban and rural communities to provide support for a comprehensive range of education, training, and support services for youths residing in such areas.

**Section 302. Authorization****(a) Grants to Local Partnerships**

- (1) In general.** Subject to paragraph (2), the Secretaries may provide implementation grants, in accordance with competitive criteria established by the Secretaries, directly to local partnerships in States in such amounts as the Secretaries determine to be necessary to enable such partnerships to implement School-to-Work Opportunities programs.
- (2) Restrictions.** A local partnership—
  - (A)** shall be eligible to receive only 1 grant under this subsection; and
  - (B)** shall not be eligible to receive a grant under this subsection if such partnership is located in a State that—
    - (i)** has been provided an implementation grant under section 212; and
    - (ii)** has received amounts from such grant for any fiscal year after the first fiscal year under such grant.

**(b) Grants to Local Partnerships in High Poverty Areas**

- (1) In general.** Subject to paragraphs (2) and (3), the Secretaries shall, from amounts reserved under section 605(b)(3), provide grants to local partnerships that are located in high poverty areas in States in such amounts as the Secretaries determine to be necessary to enable such partnerships to implement School-to-Work Opportunities programs in such areas.
- (2) Restriction.** A local partnership shall be eligible to receive only 1 grant under this subsection.
- (3) Priority.** In providing grants under paragraph (1), the Secretaries shall give priority to local partnerships that have a demonstrated effectiveness in the delivery of comprehensive vocational preparation programs with successful rates in job placement through cooperative activities among local educational agencies, local businesses, labor organizations, and other organizations.

- (c) Period of Grant.** The provision of payments under a grant under subsection (a) or (b) shall not exceed 5 fiscal years and shall be subject to the annual approval of the Secretaries and subject to the availability of appropriations for the fiscal year involved to make the payments.

**Section 303. Application**

- (a) In General.** A local partnership that desires to receive a Federal implementation grant under section 302 shall submit an application to the Secretaries at such time and in such form as the Secretaries may require. The local partnership shall submit the application to the State for review and comment before submitting the application to the Secretaries.
- (b) Time Limit for State Review and Comment**
  - (1) In general.** The State shall provide for review and comment on the application under subsection (a) not later than 30 days after the date on which the State receives the application from the local partnership.

- (2) **Submission without state review and comment.** If the State does not provide review and comment within the 30-day time period specified in paragraph (1), the local partnership may submit the application to the Secretaries without first obtaining such review and comment.
- (c) **Contents.** The application described in subsection (a) shall include a plan for local School-to-Work Opportunities programs that—
  - (1) describes the manner in which the local partnership will meet the requirements of this Act;
  - (2) includes the comments of the State on the plan, if any;
  - (3) contains information that is consistent with the information required to be submitted as part of a State plan in accordance with paragraphs (5) through (17) and paragraph (23) of section 213(d);
  - (4) designates a fiscal agent to receive and be accountable for funds under this section; and
  - (5) provides such other information as the Secretaries may require.
- (d) **Use of Funds for Review of Applications.** The Secretaries may use amounts reserved under section 605(b)(4) for the review of applications submitted under subsection (a).

**Section 304. Use of Amounts.** The Secretaries may not provide an implementation grant under section 302 to a local partnership unless the partnership agrees that it will use all amounts from such grant to carry out activities to implement a School-to-Work Opportunities program, including the activities described in section 215(b)(4).

**Section 305. Conformity with Approved State Plan.** The Secretaries shall not provide a grant under section 302 to a local partnership in a State that has an approved State plan unless the Secretaries determine, after consultation with the State, that the plan submitted by the partnership is in accordance with such approved State plan.

**Section 306. Reports.** The Secretaries may not provide an implementation grant under section 302 to a local partnership unless the partnership agrees that the local partnership will submit to the Secretaries such reports as the Secretaries may reasonably require, relating to the use of amounts from such grant, except that the Secretaries may not require more than 1 such report during any 3-month period.

**Section 307. High Poverty Area Defined.** For purposes of this title, the term “high poverty area” means an urban census tract, a contiguous group of urban census tracts, a block number area in a nonmetropolitan county, a contiguous group of block number areas in a nonmetropolitan county, or an Indian reservation (as defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9))), with a poverty rate of 20 percent or more among individuals who have not attained the age of 22, as determined by the Bureau of the Census.

**Title IV. National Programs****Section 401. Research, Demonstration, and Other Projects**

- (a) **In General.** The Secretaries shall conduct research and development projects and establish a program of experimental and demonstration projects, to further the purposes of this Act.
- (b) **Additional Use of Funds.** The Secretaries may provide assistance for programs or services authorized under any other provision of this Act that are most appropriately administered at the national level and that will operate in, or benefit, more than 1 State.

**Section 402. Performance Outcomes and Evaluation**

- (a) **In General.** The Secretaries, in collaboration with the States, shall by grant, contract, or otherwise, establish a system of performance measures for assessing State and local programs regarding—
  - (1) progress in the development and implementation of State plans described in section 213(d) that include the basic program components described in sections 102, 103, and 104 and otherwise meet the requirements of title I;
  - (2) participation in School-to-Work Opportunities programs by employers, schools, students, and school dropouts, including information on the gender, race, ethnicity, socioeconomic background, limited-English proficiency, and disability of all participants and whether the participants are academically talented students;
  - (3) progress in developing and implementing strategies for addressing the needs of students and school dropouts;
  - (4) progress in meeting the goals of the State to ensure opportunities for young women to participate in School-to-Work Opportunities programs, including participation in nontraditional employment through such programs;
  - (5) outcomes for participating students and school dropouts, by gender, race, ethnicity, socioeconomic background, limited-English proficiency, and disability of the participants, and whether the participants are academically talented students, including information on—
    - (A) academic learning gains;
    - (B) staying in school and attaining—
      - (i) a high school diploma, or a general equivalency diploma, or an alternative diploma or certificate for those students with disabilities for whom such alternative diploma or certificate is appropriate;
      - (ii) a skill certificate; and
      - (iii) a postsecondary degree;
    - (C) attainment of strong experience in and understanding of all aspects of the industry the students are preparing to enter;
    - (D) placement and retention in further education or training, particularly in the career major of the student; and



- (E) job placement, retention, and earnings, particularly in the career major of the student; and
  - (6) the extent to which the program has met the needs of employers.
- (b) **Evaluation.** Not later than September 30, 1998, the Secretaries shall complete a national evaluation of School-to-Work Opportunities programs funded under this Act by grants, contracts, or otherwise, that will track and assess the progress of implementation of State and local programs and their effectiveness based on measures such as those measures described in subsection (a).
- (c) **Reports to the Secretaries**
  - (1) **In general.** Each State shall prepare and submit to the Secretaries periodic reports, at such intervals as the Secretaries may determine, containing information regarding the matters described in paragraphs (1) through (6) of subsection (a).
  - (2) **Federal programs.** Each State shall prepare and submit reports to the Secretaries, at such intervals as the Secretaries may determine, containing information on the extent to which Federal programs that are in existence on the date of submission of the report and that are implemented at the State or local level may be duplicative, outdated, overly restrictive, or otherwise counterproductive to the development of comprehensive statewide School-to-Work Opportunities systems.

#### Section 403. Training and Technical Assistance

- (a) **Purpose.** The Secretaries shall work in cooperation with the States, the individuals assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1)), employers and their associations, secondary schools and postsecondary educational institutions, student and teacher organizations, labor organizations, and community-based organizations, to increase their capacity to develop and implement effective School-to-Work Opportunities programs.
- (b) **Authorized Activities.** The Secretaries shall provide, through grants, contracts, or otherwise—
  - (1) training, technical assistance, and other activities that will—
    - (A) enhance the skills, knowledge, and expertise of the personnel involved in planning and implementing State and local School-to-Work Opportunities programs, such as training of the personnel to assist students; and
    - (B) improve the quality of services provided to individuals served under this Act;
  - (2) assistance to States and local partnerships involved in carrying out School-to-Work Opportunities programs in order to integrate resources available under this Act with resources available under other Federal, State, and local authorities;
  - (3) assistance to States and such local partnerships, including local partnerships in rural communities with low population densities or in urban areas, to

- recruit employers to provide the work-based learning component, described in section 103, of School-to-Work Opportunities programs; and
- (4) assistance to States and local partnerships involved in carrying out School-to-Work Opportunities programs to design and implement school-sponsored enterprises.

**Section 404. Capacity Building and Information and Dissemination Network.** The Secretaries, acting through such mechanisms as the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)), the Educational Resources Information Center Clearinghouses referred to in the Educational Research, Development, Dissemination, and Improvement Act of 1994, and the National Network for Curriculum Coordination in Vocational and Technical Education under section 402(c) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2402(c)), shall—

- (1) collect and disseminate information—
- (A) on successful School-to-Work Opportunities programs and innovative school- and work-based curricula;
- (B) on research and evaluation conducted concerning school-to-work activities;
- (C) that will assist States and local partnerships in undertaking labor market analysis, surveys, or other activities related to economic development;
- (D) on skill certificates, skill standards, and related assessment technologies; and
- (E) on methods for recruiting and building the capacity of employers to provide work-based learning opportunities; and
- (2) facilitate communication and the exchange of information and ideas among States and local partnerships carrying out School-to-Work Opportunities programs.

**Section 405. Reports to Congress**

- (a) **In General.** Not later than 24 months after the date of the enactment of this Act, and every 12 months thereafter, the Secretaries shall prepare and submit a report to the Congress on all activities carried out pursuant to this Act.
- (b) **Contents.** The Secretaries shall, at a minimum, include in each such report—
- (1) information concerning the programs that receive assistance under this Act;
- (2) a summary of the information contained in the State and local partnership reports submitted under titles II and III and section 402(c); and
- (3) information regarding the findings and actions taken as a result of any evaluation conducted by the Secretaries.

**Section 406. Funding.** The Secretaries shall use funds reserved under section 605(b)(4) to carry out activities under this title.

**Title V—Waiver of Statutory and Regulatory Requirements**

**Section 501. State and Local Partnership Requests and Responsibilities for Waivers**

- (a) **State Request for Waiver.** A State may submit to the Secretaries a request for a

waiver of 1 or more requirements of the provisions of law referred to in sections 502 and 503, or of the regulations issued under such provisions, in order to carry out the statewide School-to-Work Opportunities system established by such State under subtitle B of title II. The State may submit the request as a part of the application described in section 213 (or as an amendment to the application at any time after submission of the application). Such request may include a request for different waivers with respect to different areas within the State.

(b) **Local Partnership Request for Waiver**

(1) **In general.** A local partnership that seeks a waiver of such a requirement shall submit an application for such waiver to the State, and the State shall determine whether to submit a request for a waiver to the Secretaries, as provided in subsection (a).

(2) **Time limit**

(A) **In general.** The State shall make a determination to submit or not submit the request for a waiver under paragraph (1) not later than 30 days after the date on which the State receives the application from the local partnership.

(B) **Direct submission**

(i) **In general.** If the State does not make a determination to submit or not submit the request within the 30-day time period specified in subparagraph (A), the local partnership may submit the application to the Secretaries.

(ii) **Requirements.** In submitting such an application, the local partnership shall obtain the agreement of the State involved to comply with the requirements of section 502(a)(1)(C) or 503(a)(1)(C), as appropriate, and comply with the other requirements of section 502 or 503, as appropriate, and of subsections (c) and (d), that would otherwise apply to a State submitting a request for a waiver. In reviewing such an application, the Secretaries shall comply with the requirements of such section and such subsections that would otherwise apply to the Secretaries with respect to review of such a request.

(c) **Waiver Criteria.** Any such request by the State shall meet the criteria contained in section 502 or 503 and shall specify the provisions or regulations referred to in such sections with respect to which the State seeks a waiver.

(d) **Support by Appropriate State Agencies.** In requesting such a waiver, the State shall provide evidence of support for the waiver request by the State agencies or officials with jurisdiction over the provisions or regulations that would be waived.

## Section 502. Waiver Authority of Secretary of Education

(a) **Waiver Authority**

(1) **In general.** Except as provided in subsection (c), the Secretary of Education may waive any requirement under any provision of law referred to in

subsection (b), or of any regulation issued under such provision, for a State that requests such a waiver and has an approved State plan—

- (A) if, and only to the extent that, the Secretary of Education determines that such requirement impedes the ability of the State or a local partnership to carry out the purposes of this Act;
  - (B) if the State provides the Secretary of Education with documentation of the necessity for the waiver, including information concerning—
    - (i) the specific requirement that will be waived;
    - (ii) the specific positive outcomes expected from the waiver and why those outcomes cannot be achieved while complying with the requirement;
    - (iii) the process that will be used to monitor the progress of the State or local partnership in implementing the waiver; and
    - (iv) such other information as the Secretary of Education may require;
  - (C) if the State waives, or agrees to waive, similar requirements of State law; and
  - (D) if the State—
    - (i) has provided all local partnerships that carry out programs under this Act, and local educational agencies participating in such a local partnership, in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver;
    - (ii) provides, to the extent feasible, to students, parents, advocacy and civil rights groups, and labor and business organizations an opportunity to comment on the proposal of the State to seek a waiver; and
    - (iii) has submitted the comments of the local partnerships and local educational agencies to the Secretary of Education.
- (2) **Approval or disapproval.** The Secretary of Education shall promptly approve or disapprove any request submitted pursuant to paragraph (1) and shall issue a decision that shall—
- (A) include the reasons for approving or disapproving the request, including a response to comments on the proposal; and
  - (B) in the case of a decision to approve the request, be disseminated by the State seeking the waiver to interested parties, including educators, parents, students, advocacy and civil rights organizations, labor and business organizations, and the public.
- (3) **Approval criteria.** In approving a request under paragraph (2), the Secretary of Education shall consider the amount of State resources that will be used to implement the approved State plan.
- (4) **Term.** Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Education may extend such period if the Secretary of Education determines that the waiver



has been effective in enabling the State or local partnership to carry out the purposes of this Act.

- (b) **Included Programs.** The provisions subject to the waiver authority of this section are—
  - (1) chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), including the Even Start programs carried out under part B of such chapter (20 U.S.C. 2741 et seq.);
  - (2) part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2921 et seq.);
  - (3) part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2981 et seq.);
  - (4) part D of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3121 et seq.);
  - (5) title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3171 et seq.); and
  - (6) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).
- (c) **Waivers Not Authorized.** The Secretary of Education may not waive any requirement of any provision referred to in subsection (b), or of any regulation issued under such provision, relating to—
  - (1) the basic purposes or goals of such provision;
  - (2) maintenance of effort;
  - (3) comparability of services;
  - (4) the equitable participation of students attending private schools;
  - (5) student and parental participation and involvement;
  - (6) the distribution of funds to State or local educational agencies;
  - (7) the eligibility of an individual for participation in a program under such provision;
  - (8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or
  - (9) prohibitions or restrictions relating to the construction of buildings or facilities.
- (d) **Termination of Waivers.** The Secretary of Education shall periodically review the performance of any State, local partnership, or local educational agency, for which the Secretary of Education has granted a waiver under this section and shall terminate the waiver under this section if the Secretary of Education determines that the performance of the State, local partnership, or local educational agency that is affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(C).

## **Section 503. Waiver Authority of Secretary of Labor**

- (a) **Waiver Authority**
  - (1) **In general.** Except as provided in subsection (b), the Secretary of Labor

may waive any requirement under any provision of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), or of any regulation issued under such provision, for a State that requests such a waiver and has an approved State plan—

- (A) if, and only to the extent that, the Secretary of Labor determines that such requirement impedes the ability of the State or a local partnership to carry out the purposes of this Act;
- (B) if the State provides the Secretary of Labor with documentation of the necessity for the waiver, including information concerning—
  - (i) the specific requirement that will be waived;
  - (ii) the specific positive outcomes expected from the waiver and why those outcomes cannot be achieved while complying with the requirement;
  - (iii) the process that will be used to monitor the progress of the State or local partnership in implementing the waiver; and
  - (iv) such other information as the Secretary of Labor may require;
- (C) if the State waives, or agrees to waive, similar requirements of State law; and
- (D) if the State—
  - (i) has provided all local partnerships that carry out programs under this Act in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver;
  - (ii) provides, to the extent feasible, to students, parents, advocacy and civil rights groups, and labor and business organizations an opportunity to comment on the proposal of the State to seek a waiver; and
  - (iii) has submitted the comments of the local partnerships to the Secretary of Labor.

(2) **Approval or disapproval.** The Secretary of Labor shall promptly approve or disapprove any request submitted pursuant to paragraph (1) and shall issue a decision that shall—

- (A) include the reasons for approving or disapproving the request, including a response to comments on the proposal; and
- (B) in the case of a decision to approve the request, be disseminated by the State seeking the waiver to interested parties, including educators, parents, students, advocacy and civil rights organizations, labor and business organizations, and the public.

(3) **Approval criteria.** In approving a request under paragraph (2), the Secretary of Labor shall consider the amount of State resources that will be used to implement the approved State plan.

(4) **Term.** Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Labor may extend such period if the Secretary of Labor determines that the waiver has been

effective in enabling the State or local partnership to carry out the purposes of this Act.

- (b) **Waivers Not Authorized.** The Secretary of Labor may not waive any requirement under any provision of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), or of any regulation issued under such provision, relating to—
  - (1) the basic purposes or goals of such provision;
  - (2) maintenance of effort;
  - (3) the distribution of funds;
  - (4) the eligibility of an individual for participation in a program under such provision;
  - (5) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or
  - (6) prohibitions or restrictions relating to the construction of buildings or facilities.
- (c) **Termination of Waivers.** The Secretary of Labor shall periodically review the performance of any State or local partnership for which the Secretary of Labor has granted a waiver under this section and shall terminate the waiver under this section if the Secretary of Labor determines that the performance of the State or local partnership affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(C).

#### Section 504. Combination of Federal Funds for High Poverty Schools

##### (a) In General

- (1) **Purposes.** The purposes of this section are—
  - (A) to integrate activities under this Act with school-to-work activities carried out under other Acts; and
  - (B) to maximize the effective use of resources.
- (2) **Combination of funds.** To carry out such purposes, a local partnership that receives assistance under title II or III may carry out schoolwide school-to-work activities in schools that meet the requirements of subparagraphs (A) and (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1) (A) and (B)) with funds obtained by combining—
  - (A) Federal funds under this Act; and
  - (B) other Federal funds made available from among programs under—
    - (i) the provisions of law listed in paragraphs (2) through (6) of section 502(b); and
    - (ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

- (b) **Use of Funds.** A local partnership may use the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions relating to the matters specified in paragraphs (1) through (6) and paragraphs (8) and (9) of section 502(c), and paragraphs (1) through (3) and paragraphs (5) and (6) of section 503(b), that relate to the program through which the funds described in subsection

(a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

- (c) **Additional Information in Application.** A local partnership seeking to combine funds under subsection (a) shall include in the application of the local partnership under title II or III—
  - (1) a description of the funds the local partnership proposes to combine under the requirements of this Act;
  - (2) the activities to be carried out with such funds;
  - (3) the specific outcomes expected of participants in schoolwide school-to-work activities; and
  - (4) such other information as the State, or Secretaries, as the case may be, may require.
- (d) **Provision of Information.** The local partnership shall, to the extent feasible, provide information on the proposed combination of Federal funds under subsection (a) to educators, parents, students, advocacy and civil rights organizations, labor and business organizations, and the public.

#### **Section 505. Combination of Federal Funds by States for School-to-Work Activities**

- (a) **In General**
  - (1) **Purposes.** The purposes of this section are—
    - (A) to integrate activities under this Act with State school-to-work activities carried out under other Acts; and
    - (B) to maximize the effective use of resources.
  - (2) **Combination of funds.** To carry out such purposes, a State that has an approved State plan may carry out activities necessary to develop and implement a statewide School-to-Work Opportunities system with funds obtained by combining—
    - (A) Federal funds under this Act; and
    - (B) other Federal funds that are made available under—
      - (i) section 102(a)(3) of the Carl D. Perkins Vocational Education and Applied Technology Education Act (20 U.S.C. 2312(a)(3));
      - (ii) section 202(c)(1)(C) or section 262(c)(1)(C) of the Job Training Partnership Act (29 U.S.C. 1602(c)(1)(C) or 1642(c)(1)(C));
      - (iii) section 202(c)(1)(B) of the Job Training Partnership Act that would otherwise be available for the purposes described in section 202(c)(3) of such Act; or
      - (iv) section 262(c)(1)(B) of the Job Training Partnership Act that would otherwise be available for the purposes described in section 262(c)(3) of such Act.
- (b) **Use of Funds.** A State may use, under the requirements of this Act, Federal funds that are made available to the State and combined under subsection (a) to carry out school-to-work activities, except that the provisions relating to the matters specified



in section 502(c), and section 503(b), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

- (c) **Additional Information in Application.** A State seeking to combine funds under subsection (a) shall include in the application described in section 213—
  - (1) a description of the funds the State proposes to combine under the requirements of this Act;
  - (2) the activities to be carried out with such funds;
  - (3) the specific outcomes expected of participants in school-to-work activities;
  - (4) formal evidence of support for the request by the State agencies or officials with jurisdiction over the funds that would be combined; and
  - (5) such other information as the Secretaries may require.
- (d) **Extension.** The authority of a State to combine funds under this section shall not exceed 5 years, except that the Secretaries may extend such period if the Secretaries determine that an extension of such authority would further the purposes of this Act.
- (e) **Limitation.** Nothing in this section shall be construed to relieve a State of an obligation to conduct the activities required under section 201(b) of the Carl D. Perkins Vocational Education and Applied Technology Education Act.

## Title VI. General Provisions

**Section 601. Requirements.** The following requirements shall apply to programs under this Act:

- (1) **Prohibition on displacement.** No student participating in such a program shall displace any currently employed worker (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits).
- (2) **Prohibition on impairment of contracts.** No such program shall impair existing contracts for services or collective bargaining agreements, and no such program that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.
- (3) **Prohibition on replacement.** No student participating in such a program shall be employed or fill a job—
  - (A) when any other individual is on temporary layoff, with the clear possibility of recall, from the same or any substantially equivalent job with the participating employer; or
  - (B) when the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the student.
- (4) **Workplaces.** Students participating in such programs shall be provided with adequate and safe equipment and safe and healthful workplaces in conformity with all health and safety requirements of Federal, State, and local law.
- (5) **Effect on other laws.** Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability, or to modify or affect any right

to enforcement of this Act that may exist under other Federal laws, except as expressly provided by this Act.

- (6) **Prohibition concerning wages.** Funds appropriated under authority of this Act shall not be expended for wages of students or workplace mentors participating in such programs.
- (7) **Other requirements.** The Secretaries shall establish such other requirements as the Secretaries may determine to be appropriate, in order to ensure that participants in programs under this Act are afforded adequate supervision by skilled adult workers, or to otherwise further the purposes of this Act.

#### **Section 602. Sanctions**

- (a) **Termination or Suspension of Assistance**
  - (1) **In general.** The Secretaries may terminate or suspend any financial assistance under this Act, in whole or in part, or not make payments under a grant awarded under this Act, if the Secretaries determine that a recipient has failed to meet any requirements of this Act, including—
    - (A) reporting requirements under section 402(c);
    - (B) regulations under this Act; or
    - (C) requirements of an approved State plan.
  - (2) **Notice and opportunity for hearing.** If the Secretaries terminate or suspend such financial assistance, or do not make such payments under paragraph (1), with respect to a recipient, then the Secretaries shall provide—
    - (A) prompt notice to such recipient; and
    - (B) the opportunity for a hearing to such recipient not later than 30 days after the date on which such notice is provided.
- (b) **Nondelegation.** The Secretaries shall not delegate any of the functions or authority specified in this section, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.

**Section 603. State Authority.** Nothing in this Act shall be construed to negate or supersede the legal authority, under State law or other applicable law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official. Nothing in this Act shall be construed to interfere with the authority of such agency, entity, or official to enter into a contract under any provision of law

**Section 604. Prohibition on Federal Mandates, Direction, and Control.** Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

#### **Section 605. Authorization of Appropriations**

- (a) **In General.** There are authorized to be appropriated to the Secretaries to carry out

this Act \$300,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 1999.

- (b) **Reservations.** From amounts appropriated under subsection (a) for any fiscal year, the Secretaries—
- (1) shall reserve not more than 1/2 of 1 percent of such amounts for such fiscal year to provide grants under sections 202 and 212 to the jurisdictions described in section 202(b);
  - (2) shall reserve not more than 1/2 of 1 percent of such amounts for such fiscal year to provide grants under subtitle C of title II to establish and carry out School-to-Work Opportunities programs for Indian youths that involve Bureau funded schools (as defined in section 1139(3) of the Education Amendments of 1978 (25 U.S.C. 2019(3)));
  - (3) shall reserve 10 percent of such amounts for such fiscal year to provide grants under section 302(b) to local partnerships located in high poverty areas, which reserved funds may be used in conjunction with funds available under the Youth Fair Chance Program set forth in part H of title IV of the Job Training Partnership Act (29 U.S.C. 1782 et seq.); and
  - (4)
    - (A) shall reserve 2.5 percent of such amounts for such fiscal year to carry out section 404; and
    - (B) shall reserve not more than an additional 5 percent of such amounts for such fiscal year to carry out other activities under title IV, and activities under sections 214(d) and 303(d).
- (c) **Availability of Funds.** Funds appropriated for any fiscal year for programs authorized under this Act shall remain available until expended.

## Title VII. Other Programs

### *Subtitle A. Reauthorization of Job Training for the Homeless Demonstration Program Under the Stewart B. McKinney Homeless Assistance Act*

#### Section 701. Reauthorization

- (a) **In General.** Section 739(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449(a)) is amended by striking “the following amounts:” and all that follows and inserting “such sums as may be necessary for each of the fiscal years 1994 and 1995.”
- (b) **Conforming Amendment.** Section 741 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11450) is amended by striking “1993” and inserting “1995”.

### *Subtitle B. Tech-prep Programs*

#### Section 711. Tech-prep Education.

- (a) **Contents of Program.** Section 344(b)(2) of the Tech-Prep Education Act

(20 U.S.C. 2394b(b)(2)) is amended by inserting “or 4 years” before “of secondary school”.

- (b) **Special Consideration; Priority.** Section 345(d)(2) of the Tech-Prep Education Act (20 U.S.C. 2394c(d)(2)) is amended to read as follows:
  - “(2) are developed in consultation with business, industry, labor unions, and institutions of higher education that award baccalaureate degrees; and”.

*Subtitle C. Alaska Native Art and Culture*

**Section 721. Short Title.** This title may be cited as the “Alaska Native Culture and Arts Development Act”.

**Section 722. Alaska Native Art and Culture.** Part B of title XV of the Higher Education Amendments of 1986 (20 U.S.C. 4441 et seq.) is amended:

- (1) in the part heading, to read as follows: “Part B—Native Hawaiians and Alaska Natives”; and
- (2) in section 1521, to read as follows: “**Section 1521. Program for Native Hawaiian and Alaska Native Culture and Arts Development.**”
  - “(a) **In General.** The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—
    - “(1) primarily serves and represents Native Hawaiians or Alaska Natives, and
    - “(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.
  - “(b) **Purpose of Grants.** Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used:
    - “(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,
    - “(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or
    - “(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.
  - “(c) **Management of Grants**
    - “(1) Any organization or institution which is the recipient of a



grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

“(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

“(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

“(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

“(C) include the president of the University of Hawaii,

“(D) include the president of the Bishop Museum, and

“(E) serve for a fixed term of office.

“(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

“(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

“(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

“(C) serve for a fixed term.”.

#### *Subtitle D. Job Training*

**Section 731. Amendment to Job Training Partnership Act to Provide Allowances for Child Care Costs to Certain Individuals Participating in the Job Corps.** Section 429 of the Job Training Partnership Act (29 U.S.C. 1699) is amended by adding at the end the following new subsection:

“(e) In addition to child care assistance provided under section 428(e), the Secretary shall provide enrollees who otherwise could not participate in the Job Corps with allowances to pay for child care costs, such as food, clothing, and health care for the child. Allowances under this subsection may only be provided during the first 2 months of an enrollee’s participation in the program and shall be in an amount that does not exceed the maximum amount that may be provided by the State pursuant to section 402(g)(1)(C) of the Social Security Act (42 U.S.C. 602(g)(1)(C)).”.

#### **Title VIII. Technical Provisions**

**Section 801. Effective Date.** This Act shall take effect on the date of enactment of this Act.

**Section 802. Sunset.** The authority provided by this Act shall terminate on October 1, 2001.



# The School-to-Work Opportunities Act of 1994:

## Section by Section Analysis

**Section 1. Short Title.** This Act may be cited as the “School-to-Work Opportunities Act of 1994.”

**Section 2. Findings.** Congress finds:

- most high school youths enter the workforce without a college degree and lacking necessary skills;
- many youths do not complete high school;
- unemployment has been rising and earnings have been falling for youth who do not have higher education;
- the economy has fewer places for unskilled workers;
- the nation lacks a comprehensive school-to-work transition system;
- students achieve more when learning in a context;
- part-time student work is rarely linked to education;
- programs that combine school-based and work-based learning can help students prepare for a better future;
- federal categorical programs are not administered in an integrated fashion; and
- many young persons are particularly unprepared for the demands of a twenty-first century workforce.

**Section 3. Purposes and Congressional Intent.** This Act creates a framework for statewide systems of school-to-work opportunities programs that:

- promote education reform;
- are consistent with Goals 2000 and the National Skill Standards Act;
- are performance-based;
- use the workplace as a learning environment;
- use federal funds as venture capital to begin new systems;
- encourage the creation of community/local partnerships; and
- integrate school with work, high schools with post-secondary schools, and vocational with academic learning.

The Secretary of Labor and Secretary of Education are to jointly administer this Act to give states flexibility and discretion, encourage creation of overall system, and build on state and local capacity.

**Section 4. Definitions.** As used in this Act:

- **All aspects of an industry** includes planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety issues, and environmental issues, related to an industry or an industry sector.
- **All students** means both male and female students from a broad range of backgrounds and circumstances, including disadvantaged students; students with diverse racial, ethnic, or cultural backgrounds; American Indians; Alaska Natives; Native Hawaiians; students with disabilities; students with limited-English proficiency; migrant children; school dropouts; and academically talented students.

- **Approved state plan** means a statewide system plan approved by the Secretaries and consistent with the state's improvement plan under the Goals 2000: Educate America Act.
- **Career guidance and counseling** means programs organized to develop in students career awareness, career planning, career decisionmaking, placement skills, and a knowledge and understanding of educational and labor market needs; to assist individuals to make informed choices; and to help all students develop career options.
- **Career major** means a coherent sequence of courses or field of study that prepares the student for employment in a broad occupational cluster or industry sector and includes at least two years of secondary education and at least one or two years of post-secondary education; supports understanding of all aspects of the industry; results in the award of a high school diploma or its equivalent, a certificate or diploma recognizing completion of one or two years of post-secondary education (if appropriate), and a skill certificate; and may lead to further education and training.
- **Community-based organizations** is defined by reference to Section 4(5) of the Job Training Partnership Act (29 U.S.C. § 1503(5)): "private nonprofit organizations which are representative of communities or significant segments of communities and which provide job training services (for example, Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, the National Puerto Rican Forum, National Council of La Raza, 70,001, Jobs for Youth, the Association of Farmworker Opportunity Programs, the Center for Employment Training, literacy organizations, agencies or organizations serving older individuals, organizations that provide service opportunities, youth corps programs, organizations operating career intern programs, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities, agencies serving youth, agencies serving individuals with disabilities, including disabled veterans, agencies serving displaced homemakers, union-related organizations, and employer-related nonprofit organizations), and organizations serving nonreservation Indians, as well as tribal governments and native American groups."
- **Elementary school** means a day or residential school that provides elementary education.
- **Employer** includes both public and private employers.
- **Local educational agency** means a public board of education for public elementary or secondary schools.
- **Local partnership** means a local entity that is responsible for local School-to-Work Opportunities programs and consists of employers; representatives of local educational agencies and local post-secondary educational institutions (including area vocational education schools), teachers, counselors, or administrators; and representatives of labor organizations or nonmanagerial employees and students; and may include employer organizations, community-based organizations trade associations, industrial extension centers, rehabilitation agencies and organizations, registered apprenticeship agencies, vocational education entities, proprietary institutions of higher education (defined as in 20 U.S.C. § 1088(b) as "a school: (1) that provides training to prepare students for employment in a recognized occupation, (2) admits as students persons who have completed their secondary education, (3) is authorized by the state to provide post-secondary education, (4) is a for-profit institution, (5) is accredited by a nationally recognized accrediting agency, and (6) has been in existence for at least two years"), local government agencies, parent organizations, teacher organizations, vocational student organizations, private industry councils, federally recognized Indian tribes, Indian organizations, Alaska Native villages, and Native Hawaiian entities.



- **Post-secondary educational institution** is defined by 20 U.S.C. § 1088 as a proprietary institution of higher education [*see* definition of local partnership] or a post-secondary vocational institution—a school that (1) that provides training to prepare students for employment in a recognized occupation, (2) admits students who have completed their secondary education, (3) is authorized by the state to provide post-secondary education, (4) is public or nonprofit, (5) is accredited by a nationally recognized accrediting agency, and (6) has been in existence for at least two years.
- **Registered apprenticeship agency** means the Bureau of Apprenticeship and Training in the Department of Labor or a state apprenticeship agency approved for registration or approval of local apprenticeship programs.
- **Registered apprenticeship program** means a program registered by a registered apprenticeship agency.
- **Related services** consists of services described in the Individuals with Disabilities Education Act (20 U.S.C. § 1401(17)) and includes “transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education and includes the early identification and assessment of disabling conditions in children.”
- **Rural community with low-population density** means a county, block number area in a nonmetropolitan county, or consortium of counties or of such block number areas that has a population density of twenty or fewer individuals per square mile.
- **School dropout** means a youth who is no longer attending any school and who has not received a secondary school diploma or equivalency.
- **School site mentor** means a professional employed at a school who is designated as the advocate for a particular student and who works in consultation with classroom teachers, counselors, related services personnel, and the employer of the student to design and monitor the progress of the School-to-Work Opportunities program of the student.
- **School-to-work opportunities program** means a program that meets the requirements of this Act.
- **Secondary school** means a nonprofit day or residential school that provides secondary education, and a Job Corps Center under the Job Training Partnership Act.
- **Secretaries** means the Secretary of Education and the Secretary of Labor.
- **Skill certificate** means a portable, industry-recognized credential issued by a School-to-Work Opportunities program under an approved state plan that certifies that a student has mastered skills at levels that are at least as challenging as skill standards endorsed by the National Skill Standards Board established under the National Skill Standards Act of 1994, except that until such skill standards are developed, the term *skill certificate* means a credential issued under a process described in the approved state plan.
- **State** means each of the several states, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau.
- **State educational agency** means the officer or agency primarily responsible for the state supervision of public elementary and secondary schools.

- **Workplace mentor** means an employee or other individual, approved by the employer at a workplace, who possesses the skills and knowledge to be mastered by a student and who instructs the student, critiques the performance of the student, challenges the student to perform well, and works in consultation with classroom teachers and the employer of the student.

**Section 5. Federal Administration.** The Secretaries shall jointly administer this Act and jointly issue all procedures, guidelines, and regulations necessary. The Secretaries must submit a plan for the joint administration of this Act to Congress for review and comment. The Secretaries are authorized to accept, purchase, lease, or use any money or property—by gift or otherwise.

## **Title I. School-to-Work Opportunities Basic Program Components**

**Section 101. General Program Requirements.** A School-to-Work Opportunities program shall:

- integrate school-based learning and work-based learning, integrate academic and occupational learning, and establish effective linkages between secondary and post-secondary education;
- provide students with the opportunity to complete career majors;
- incorporate all school-based, work-based, and connecting activities components as defined in this Act;
- provide students experience in and understanding of all aspects of the industry; and
- provide all students with equal access to the full range of such program components.

**Section 102. School-based Learning Component.** The school-based learning component of a School-to-Work Opportunities program shall include:

- career awareness and career exploration and counseling (beginning at the earliest possible age but not later than the seventh grade);
- initial selection of a career major not later than the eleventh grade;
- study designed to meet the same academic content standards established for all students and to meet the requirements necessary for post-secondary education and the requirements necessary for a student to earn a skill certificate;
- instruction that integrates academic and vocational learning (including applied methodologies and team-teaching strategies), in all aspects of an industry and tied to the career major;
- regular evaluations of students to identify progress in mastering core skills; and
- helping students enter additional training or post-secondary education programs.

**Section 103. Work-based Learning Component.** The work-based learning component shall include:

- work experience;
- a planned program of job training and work experiences that are coordinated with school-based learning, are relevant to a career major, and lead to the award of skill certificates;
- workplace mentoring;
- instruction in general workplace competencies, including positive work attitudes and employability and participative skills; and
- instruction in all aspects of the industry.

Such component may include such activities as paid work experience, job shadowing, school-sponsored enterprises, or on-the-job training.

**Section 104. Connecting Activities Component.** The connecting activities component shall include:

- matching students with employers;
- providing a school-site mentor to act as a liaison among the student and the employer, school, teacher, school administrator, and parent of the student, and other community partners;
- providing technical assistance and services in designing work-based learning and counseling and case management services; and training teachers, workplace mentors, school-site mentors, and counselors;
- assisting schools and employers to integrate school-based and work-based learning;
- helping students find an appropriate job, continue their education, or enter into a training program;
- linking the participants with other necessary community services;
- collecting and analyzing information regarding post-program outcomes; and
- linking youth development activities with employer and industry strategies for upgrading the skills of their workers.

## **Title II. School-to-Work Opportunities System Development and Implementation Grants to States**

### *Subtitle A. State Development Grants*

**Section 201. Purpose.** The purpose of this subtitle is to help states in planning and developing comprehensive statewide systems.

**Section 202. Authorization.** On the application of a governor, the Secretaries may provide a development grant to help the state plan and develop a comprehensive statewide School-to-Work Opportunities system. A development grant under this section may not exceed \$1,000,000 for any fiscal year.

**Section 203. Application.** A state must apply for a development grant containing such information as the Secretaries require. Such application shall include:

- a timetable and an estimate of the funding needed to complete all necessary planning and development;
- a description of how the governor, the state educational agency, the state agency officials responsible for economic development, employment, job training, post-secondary education, vocational education, vocational rehabilitation, and representatives of the private sector, will collaborate in the planning and development of the statewide system;
- how the state has obtained the active and continued participation of employers, locally elected officials, secondary schools and post-secondary educational institutions, business associations, industrial extension centers, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, rehabilitation agencies and organizations, Indian tribes, registered apprenticeship agencies, vocational educational agencies, vocational student organizations, and human service agencies;
- how the state will coordinate its planning with any local school-to-work programs;
- a designation of a fiscal agent; and
- a description of how the state will provide opportunities for students from low-income families, low-achieving students, students with limited-English proficiency, students with disabilities, students living in rural communities with low population densities, school dropouts, and academically talented students to participate in School-to-Work Opportunities programs.



A state seeking assistance under both this subtitle and the Goals 2000: Educate America Act may submit a single application containing plans that meet the requirements of both Acts.

**Section 204. Approval of Application.** The Secretaries may approve an application submitted by a state only if the state demonstrates that the activities proposed to be undertaken are consistent with the improvement plan under the Goals 2000: Educate America Act.

**Section 205. Use of Amounts.** The Secretaries may not provide a development grant unless the state agrees that the state will use all amounts received from such grant for activities to develop a statewide School-to-Work Opportunities system, which may include:

- establishing an appropriate governance structure;
- identifying existing programs that might be incorporated into a system;
- identifying or establishing broad-based partnerships (employers, labor, education, government, and others) to participate in the design, development, and administration of School-to-Work Opportunities programs;
- developing a marketing plan to build consensus and support;
- promoting the active involvement of business;
- identifying ways that local school-to-work programs could be coordinated with the statewide School-to-Work Opportunities system;
- creating mechanisms for and providing training and technical assistance to teachers, employers, mentors, counselors, administrators, and others;
- initiating pilot programs;
- developing a process for issuing skill certificates;
- designing challenging curricula that take into account the diverse learning needs of students;
- developing a system of labor market analysis for local targeting of industry sectors;
- analyzing the post-high school employment experiences of recent high school graduates and school dropouts;
- preparing an implementation plan;
- working with localities to develop strategies to recruit and retain all students through collaborations with community-based organizations;
- coordinating recruitment of out-of-school, at-risk, and disadvantaged youths with those organizations and institutions that have a successful history of working with such youths; and
- providing technical assistance to rural areas in planning, developing, and implementing programs.

**Section 206. Maintenance of Effort.** States cannot use federal development grants to replace state appropriations for school-to-work transition. A state must show that its current appropriations amount to at least 90 percent of the level that existed in the preceding year, unless the Secretaries approve a state's request for a waiver based on exceptional or uncontrollable circumstances such as a natural disaster or a precipitous decline in the financial resources.

**Section 207. Reports.** A state must agree to submit quarterly reports regarding its use of development grant funds.



### *Subtitle B. State Implementation Grants*

**Section 211. Purpose.** The purpose of this subtitle is to assist states in implementing comprehensive statewide School-to-Work Opportunities systems.

**Section 212. Authorization.** The Secretaries may award a state an implementation grant to implement a comprehensive statewide School-to-Work Opportunities system. The grant period cannot exceed five years, must be subject to the annual approval of the Secretaries, and be subject to the availability of congressional appropriations. A state can receive only one implementation grant.

**Section 213. Application.** The governor of the state must submit an application for an implementation grant. An application must include:

- a plan for a comprehensive, statewide School-to-Work Opportunities system;
- how the state will allocate funds to local partnerships;
- a request for waivers (see below);
- how the governor, the state educational agency, the state agency officials responsible for economic development, employment, job training, post-secondary education, vocational education, vocational rehabilitation, the Human Resource Investment Council and representatives of the private sector collaborated in the development of the application. (*Note:* If the governor is unable to obtain the support of any of the above-listed officials, the governor is entitled to submit the application along with comments from such individuals.)

A state may submit a single plan for its School-to-Work Opportunities system and its plan under Goals 2000, or submit its STWOA plan as an amendment to a previously filed Goals 2000 plan.

The plan must describe how the state will:

- identify the geographical areas to be served by local partnerships;
- support local programs and expand the system over time to cover all areas of the state;
- encourage the collaboration of all stakeholder officials over time;
- continue to actively involve employers, locally elected officials, secondary schools and post-secondary educational institutions, business associations, industrial extension centers, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, rehabilitation agencies and organizations, registered apprenticeship agencies, local vocational educational agencies, vocational student organizations, state or regional cooperative education associations, and human service agencies;
- coordinate with local school-to-work programs with funds available from such related federal programs as:
  - the Adult Education Act (federal program to assist states to improve educational opportunities for adults who lack basic literacy skills—"adult" means an individual who is at least sixteen years old or who is beyond the age of compulsory school attendance);
  - Carl D. Perkins Vocational and Applied Technology Education Act (the comprehensive vocational education initiative of the federal government that covers basic grants for vocational education, career guidance and counseling programs, business-labor-education partnership grants, tech-prep, centers for vocational education lighthouse schools, cooperative demonstration programs, and others);

- Elementary and Secondary Education Act (the comprehensive federal effort to provide financial assistance to states and local educational agencies to meet the special educational needs of children from low-income families);
- Higher Education Act of 1965 (the comprehensive federal program that is directed at supporting the post-secondary instruction and support services of adult learners and includes a wide variety of direct aid to institutions as well as grants and loans to students, including Pell Grants and Stafford Loans);
- Social Security Act (the portions establishing the federal JOBS programs);
- Goals 2000: Educate America Act (the federal education reform initiative enacted early in 1994 that establishes major education goals for states to achieve);
- National Skills Standards Act of 1994 (the federal program that creates a structure for voluntary national industry skills standards);
- Individuals with Disabilities Education Act (the federal program for supporting special education and transition needs of youth with disabilities);
- Job Training Partnership Act (the comprehensive training program for disadvantaged youth and adults and dislocated workers);
- National Apprenticeship Act (the federal program that creates national registration and credentialing system of work-based learning for adult workers);
- Rehabilitation Act of 1973; and
- National and Community Service Act of 1990.
- provide training for teachers, employers, mentors, counselors, related services personnel, and others, including specialized training and technical support for the counseling and training of women, minorities, and individuals with disabilities for high-skill, high-wage careers in nontraditional employment;
- develop curricula and instructional methodologies—to be used in the secondary and elementary grades—that integrate academic and vocational learning and promote career awareness;
- expand and improve career and academic counseling in the elementary and secondary grades;
- integrate academic and vocational education;
- fund the system after funds under the STWOA are no longer available;
- include programs that require paid high-quality, work-based learning experiences;
- ensure opportunities for all students to participate;
- ensure opportunities for young women to participate in programs that lead to nontraditional employment and set goals to ensure an environment free from racial and sexual harassment;
- ensure opportunities for low-achieving students, students with disabilities, school dropouts, and academically talented students to participate;
- assess the skills and knowledge required in career majors and the process for awarding skill certificates;
- ensure that students participating in the programs have the flexibility to develop new career goals over time and to change career majors;
- continue local programs funded directly by federal implementation grants;
- serve students from rural communities with low population densities;
- integrate local programs into the statewide system;
- establish performance standards;
- designate a fiscal agent; and
- help students enter additional training or post-secondary education programs, as well as transfer between education and training programs.

**Section 214. Review of Application.** The Secretaries shall give priority to states where the stakeholder involvement is the strongest and to states that require paid, high-quality work-based learning experiences. The Secretaries can only approve an application if it demonstrates the highest levels of stakeholder collaboration and provides assurances regarding maintenance of state funding effort. They may approve an application if the state shows:

- that other federal, state, and local resources will be used;
- how the plan would limit administrative costs and increase amounts spent on delivery of services to students;
- that the state will ensure the establishment of a partnership in at least one urban and one rural area in the state; and
- that the state plan is consistent with the state's Goals 2000 improvement plan.

The Secretaries may approve an application (with or without approval of waiver) or disapprove an application and inform the state that it may apply for planning and development funds.

**Section 215. Use of Amounts.** A state must agree that it will use its STWOA implementation grant to implement its system. A state must provide subgrants to local partnerships to carry out local School-to-Work Opportunities programs, except that a state shall not provide a subgrant to any local partnerships that have received a direct federal-local implementation grant. A local partnership that seeks a subgrant for a local School-to-Work Opportunities program shall submit an application to the state that:

- describes how the program will include all STWOA program components;
- sets forth measurable program goals and outcomes;
- describes the local strategies and timetables of the local partnership to provide opportunities for all students to participate;
- describes how the program will require paid high-quality, work-based learning experiences;
- describes how employer involvement will be obtained in the development and implementation of the local program; and
- targets, to the extent practicable, industries and occupations that offer high-skill, high-wage employment opportunities.

If the state determines that an application submitted by a local partnership does not meet the criteria, the state shall notify the local partnership of the reasons for the failure to approve the application and permit the local partnership to resubmit an amended application.

A local partnership shall expend funds provided through subgrants only for activities undertaken to carry out local School-to-Work Opportunities programs, including:

- recruiting and providing assistance to employers to provide the work-based learning;
- establishing consortia of employers
- supporting or establishing intermediaries to provide connecting activities;
- designing or adapting school curricula to integrate academic, vocational, and occupational learning; school-based and work-based learning; and secondary and post-secondary education;
- providing training to work-based and school-based staff on new curricula, student assessments, student guidance, and feedback to the school regarding student performance;
- establishing a graduation assistance program to assist at-risk students, low-achieving students, and students with disabilities to graduate from high school, to enroll in post-secondary education or training, and to find or advance in jobs;



- providing career exploration and awareness services, counseling and mentoring services, college awareness and preparation services, and other services (beginning at the earliest possible age, but not later than the seventh grade) to prepare students for the transition from school to work;
- providing supplementary and support services, including child care and transportation;
- analyze the local labor market and the skill needs of employers to target high-demand, high-wage careers;
- integrating school-based and work-based learning into job training programs for school dropouts;
- establishing or expanding school-to-apprenticeship programs;
- training workplace mentors;
- promoting school-business partnerships;
- designing local strategies to provide adequate planning time and staff development activities for teachers, counselors, and school site mentors;
- enhancing linkages between after-school, weekend, and summer jobs; career exploration; and school-based learning; and
- obtaining the assistance of organizations and institutions that have a history of success in working with school dropouts and at-risk and disadvantaged youths in recruiting such school dropouts and youths to participate in the local School-to-Work Opportunities program.

A state may not provide a subgrant to a local partnership unless the partnership agrees that it will clearly establish all responsibilities and expectations of students, parents, employers, and schools by the point of entry of the student into a career major program of study. The local partnership may not use more than 10 percent of a subgrant for administrative costs.

A state must use at least 70 percent of its first-year implementation grant funds for subgrants to local partnerships; 80 percent of its second-year funds; and 90 percent of its third- (and subsequent) year funds.

In carrying out the statewide School-to-Work Opportunities system, the state may also:

- recruit and provide assistance to employers;
- promote and support collaboration by businesses, labor organizations, and other organizations;
- provide training for teachers, employers, workplace mentors, school-site mentors, counselors, related-services personnel, and other parties;
- provide labor market information to local partnerships;
- design or adapt model curricula to integrate academic, vocational, and occupational learning, school-based and work-based learning, and secondary and post-secondary education, for all students in the state;
- design model work-based learning programs and identify best practices for such programs;
- provide technical assistance to other states that are developing or implementing School-to-Work Opportunities systems;
- reorganize existing school-to-work programs to be a part of a comprehensive School-to-Work Opportunities system;
- identify ways that local school-to-work programs can be a part of the statewide School-to-Work Opportunities system;
- design career awareness and exploration activities;
- design and implement school-sponsored enterprises and community development projects;
- promote school-business partnerships;
- obtain the assistance of organizations and institutions that work with school dropouts and at-risk and disadvantaged youths in recruiting such youths to participate in the system; and



- provide career exploration and awareness services to prepare students for the transition from school-to-work.

**Section 216. Allocation Requirement.** The Secretaries shall determine the amount of a state grant based on such criteria as the scope and quality of the plan and the number of projected participants.

**Section 217. Limitation on Administrative Costs.** A state may not use more than 10 percent of its implementation grant for administrative costs.

**Section 218. Reports.** A state must agree to submit reports on the uses of its grant. Reports may be no more frequent than once each quarter.

*Subtitle C. Development and Implementation Grants for School-to-Work Programs for Indian Youths*

**Section 221. Authorization.** The Secretaries shall provide grants to establish and carry out School-to-Work Opportunities programs for Indian youths that involve schools funded by the Bureau of Indian Affairs and may transfer funds to carry out this authority to the Secretary of the Interior or to Indian tribes and Indian organizations.

**Section 222. Requirements.** Recipients of such grants must comply with requirements similar to those imposed on states.

**Title III. Federal Implementation Grants to Local Partnerships**

**Section 301. Purposes.** This title authorizes the Secretaries to provide competitive grants directly to local partnerships and for programs located in high poverty areas of urban and rural communities.

**Section 302. Authorization.** The Secretaries may provide implementation grants directly to local partnerships. A local partnership can receive only one such grant. Priority is given to local partnerships that have demonstrated effectiveness in the delivery of comprehensive vocational programs and successful rates in job placement. A grant under this section cannot exceed five fiscal years, is subject to annual renewal, and is subject to the availability of congressional appropriations.

**Section 303. Application.** A local partnership must apply for a direct federal implementation grant. The state has a thirty-day period to review and comment on a local partnership application. The application shall include a plan for local School-to-Work Opportunities programs that:

- describes how the local partnership will meet the requirements of this Act;
- includes the comments by the state;
- contains information similar to that required of a state plan (see above); and
- designates a fiscal agent.

**Section 304. Use of Amounts.** The local partnership must agree to use all amounts from a direct grant to implement a School-to-Work Opportunities program.

**Section 305. Conformity with Approved State Plan.** The Secretaries may not provide a grant to a local partnership in a state that has an approved plan unless the Secretaries determine, after consultation with the state, that the plan submitted by the partnership is in accordance with such approved state plan.

**Section 306. Reports.** A local partnership must agree to file a report on uses of the grant no more frequently than quarterly.

**Section 307. High Poverty Area Defined.** *High poverty area* means an urban census tract, a contiguous group of urban census tracts, a block number area in a nonmetropolitan county, a contiguous group of block number areas in a nonmetropolitan county, or an Indian reservation, that has a poverty rate of 20 percent or more among individuals who have not attained the age of 22, as determined by the Bureau of the Census.

#### Title IV. National Programs

**Section 401. Research, Demonstration, and Other Projects.** The Secretaries shall conduct research and development projects and a program of experimental and demonstration projects and may provide for program assistance so long as it benefits more than one state.

**Section 402. Performance Outcomes and Evaluation.** The Secretaries must establish a system of performance measures for assessing state and local programs regarding:

- progress in developing and implementing state plans;
- participation by employers, schools, students, and school dropouts, including information on the gender, race, ethnicity, socio-economic background, limited-English proficiency, and disability of participants and whether the participants are academically talented students;
- strategies for addressing the needs of students and school dropouts;
- progress in encouraging young women to participate in School-to-Work Opportunities programs, including participation in nontraditional employment through such programs;
- outcomes for participating students and school dropouts by gender, race, ethnicity, socio-economic background, limited-English proficiency, and disability of the participants and whether the participants are academically talented students, including information on academic learning gains, staying in school, and attaining a high school diploma, a skill certificate, or a post-secondary degree, and understanding of all aspects of the industry, placement and retention in further education or training, and job placement, retention, and earnings, and the extent to which the program has met the needs of employers.

Not later than September 30, 1998, the Secretaries must complete a national evaluation of School-to-Work Opportunities programs. Each state must prepare and submit to periodic reports containing information regarding the performance measures described above. Each state must also submit reports showing the extent to which other federal programs may be duplicative, outdated, overly restrictive, or otherwise counterproductive to the development of comprehensive statewide School-to-Work Opportunities systems.

**Section 403. Training and Technical Assistance.** The Secretaries shall work in cooperation with the states, the head of each state's vocational education program, employers and their associations, secondary schools and post-secondary educational institutions, student and teacher organizations, labor organizations, and community-based organizations to increase their capacity to develop and implement School-to-Work Opportunities programs. The Secretaries shall provide activities that will:

- enhance the skills, knowledge, and expertise of the personnel;
- improve the quality of services provided to individuals served under this Act;
- integrate resources available under this Act with resources available under other federal, state, and local authorities;
- help recruit employers to provide the work-based learning; and
- help design and implement school-sponsored enterprises.

**Section 404. Capacity Building and Information and Dissemination Network.** The Secretaries, through such mechanisms as the Capacity Building and Information and Dissemination Network, the Educational Resources Information Center Clearinghouses, and the National Network for Curriculum Coordination in Vocational and Technical Education, shall collect and disseminate information on:

- successful School-to-Work Opportunities programs and innovative school- and work-based curricula;
- research and evaluation concerning school-to-work activities;
- labor market analysis, surveys, or other activities related to economic development;
- skill certificates, skill standards, and related assessment technologies; and
- methods for recruiting and building the capacity of employers to provide work-based learning opportunities; and
- facilitate communication and the exchange of information and ideas among states and local partnerships.

**Section 405. Reports to Congress.** Within two years, the Secretaries must prepare and submit a report to the Congress, including:

- information concerning the programs that receive assistance under this Act;
- a summary of the information contained in the state and local partnership reports; and
- findings and actions taken as a result of any evaluation conducted by the Secretaries.

**Section 406. Funding.** Secretaries are to reserve 2.5 percent of congressional appropriations for School-to-Work Opportunities to fund national programs.

## **Title V. Waiver of Statutory and Regulatory Requirements**

**Section 501. State and Local Partnership Requests and Responsibilities for Waivers.** A state may submit to the Secretaries a request for waiver(s) for provisions of certain laws (*see* below) in order to carry out the plan for a statewide system. The state may submit the request as a part of its implementation application or as an amendment to its application. Such requests may include a request for different waivers with respect to different areas within the state.

A local partnership that seeks a waiver shall submit an application for such a waiver to the state, and the state shall determine whether to submit a request for a waiver to the Secretaries. The state shall decide whether to submit the request for a waiver within thirty days. If the state does not make a determination within the thirty-day time period, the local partnership may submit the application to the Secretaries.

The state must provide evidence of support for the waiver request by the state agencies or officials with jurisdiction over the provisions or regulations that would be waived.



**Section 502. Waiver Authority of Secretary of Education.** The Secretary of Education may approve a waiver request from a state that has an approved plan upon a finding that the law impedes the ability of the state or a local partnership to carry out this Act and if the state identifies the specific requirement that will be waived; the specific outcomes expected from the waiver and why they cannot be achieved while complying with the requirement; and the process that will be used to monitor implementation of the waiver. The state must agree to waive all similar requirements of state law.

The state must show that it has provided all local partnerships and schools participating in any local partnerships with notice and an opportunity to comment on the waiver proposal; that it provides to students, parents, advocacy and civil rights groups, and labor and business organizations an opportunity to comment on the proposal of the state to seek a waiver; and that it has submitted the comments of the local partnerships and local educational agencies to the Secretary of Education. In approving a waiver request, the Secretary of Education shall consider the amount of state resources that will be used to implement the approved state plan.

The Secretary of Education shall promptly approve or disapprove any waiver request and issue a decision that shows the reasons for approving or disapproving the request. If the waiver is granted, the state must disseminate notice of the waiver to interested parties, including educators, parents, students, advocacy and civil rights organizations, labor and business organizations, and the public.

A waiver may not exceed five years unless extended for a greater period. The provisions subject to the waiver authority of this section are:

- Title I, Chapter 1, of the Elementary and Secondary Education Act (20 U.S.C. §§ 2701 - 2791): basic federal program for low-income students, including the Even Start program.
- Title I, Chapter 2, part A, of the Elementary and Secondary Education Act (20 U.S.C. §§ 2921 - 2952): These sections provide that at least 80 percent of the total ESEA funds given to states must be allocated to schools based on the per capita enrollment of low-income students. Funds are intended to cover higher per student costs. States are required to file a plan for the distribution and use of these funds with the U.S. Department of Education. Schools must target use of these funds to low-income students and can use funds to purchase books and equipment, provide professional training and instruction, as well as other programs.
- Title II, part A, of the Elementary and Secondary Education Act (20 U.S.C. §§ 2981 - 2993): The Dwight D. Eisenhower Math and Science Education Act is intended to increase the skills of teachers and quality of instruction in math and science education in public and private elementary and secondary schools. The Secretary of Education makes grants to states. States develop a three-year plan for use of funds. Schools (public and private) file a plan with the state showing how they intend to use such funds.
- Title IV, part D, of the Elementary and Secondary Education Act (20 U.S.C. §§ 3121 - 3130): The Emergency Immigrant Education Act of 1984, generally speaking, instructs the U.S. Department of Education to make grants to each state's education agency equal to \$500 for each immigrant child in the state. Funds must be distributed to local schools to be used for supplemental education services (English as a Second Language, special materials, and supplies), basic education costs associated with the immigration population (including construction, classroom, and overhead and administrative costs) and in-service training for school personnel.
- Title V of the Elementary and Secondary Education Act (20 U.S.C. §§ 3171 - 3232): The Drug Free Schools and Communities Act allocates grants to state educational agencies to schools to carry out programs of drug abuse education and prevention.
- The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. § 2301 *et seq.*) (all sections are subject to waiver).



The Secretary of Education may *not* waive any requirement or of any regulation relating to:

- the basic purposes or goals of such provision;
- maintenance of effort (i.e. displacement of state funds with federal resources);
- comparability of services;
- the equitable participation of students attending private schools;
- student and parental participation and involvement;
- the distribution of funds to state or local educational agencies;
- the eligibility of an individual for participation in a program under such provision;
- public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or
- prohibitions or restrictions relating to the construction of buildings or facilities.

The Secretary of Education may terminate a waiver if the performance of the state, local partnership, or local educational agency is inadequate to justify a continuation of the waiver, or the state fails to waive similar requirements of state law.

**Section 503. Waiver Authority of Secretary of Labor.** The Secretary of Labor may waive any requirement under any provision of the Job Training Partnership Act, or of any regulation issued under the JTPA, for a state that requests such a waiver and has an approved state plan to the extent that such requirement impedes the ability of the state or a local partnership to carry out the purposes of this Act.

The state must document the necessity for the waiver, including information concerning:

- the specific requirement to be waived;
- the specific outcomes expected from the waiver and why they cannot be achieved while complying with the requirement;
- how the state will monitor implementation of the waiver;
- if the state waives, or agrees to waive, similar requirements of state law; and
- if the state has provided all local partnerships in the state with notice and an opportunity to comment on the proposal of the state to seek a waiver; provides to students, parents, advocacy and civil rights groups, and labor and business organizations an opportunity to comment on the proposal; and has submitted the comments of the local partnerships to the Secretary of Labor.

The Secretary of Labor shall promptly approve or disapprove any request and shall issue a decision that includes the reasons for approving or disapproving the request. If a waiver is granted, the state must disseminate the decision to interested parties, including educators, parents, students, advocacy and civil rights organizations, labor and business organizations, and the public.

In approving a waiver request the Secretary of Labor shall consider the amount of state resources that will be used to implement the approved state plan.

Each waiver approved pursuant to this subsection shall be for a period not to exceed five years, unless extended further.

The Secretary of Labor may not waive any requirement of the JTPA relating to:

- the basic purposes or goals of such provision;
- the maintenance of the effort;
- the distribution of funds;
- the eligibility of an individual for participation in a program under such provision;
- public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

- prohibitions or restrictions relating to the construction of buildings or facilities.

The Secretary of Labor may terminate a waiver if the performance of the state or local partnership affected by the waiver is inadequate to justify a continuation of the waiver or if the state fails to waive similar requirements of state law.

**Section 504. Combination of Federal Funds for High Poverty Schools.** A local partnership that receives funds from a state implementation grant or a direct federal implementation grant may combine funds from categorical federal programs to carry out schoolwide school-to-work activities in “high poverty” schools. Generally speaking, JTPA Title II-C year-round programs for youth are limited to disadvantaged youth—those meeting the eligibility requirements. JTPA allows such programs to include “noneligible youth” if individuals are enrolled in a school that is located in a poverty area, served by a school that is eligible for assistance under the federal Elementary and Secondary Education Act, where at least 70 percent of its students enrolled are hard to serve (e.g., have basic skills deficiencies, have educational attainments that are one or more grade levels short, are pregnant or parenting, have a disability, or are learning disabled, homeless, runaways, or offenders), and involved in a schoolwide program for low-income schools.

Local partnerships in high-poverty areas are allowed to combine funds from the STWOA, JTPA, and most titles of the Elementary and Secondary Education Act.

**Use of Funds.** If a local partnership combines funds for school-to-work programs in high-poverty schools, the following provisions of federal law shall remain in effect with respect to ESEA funds:

- the basic purposes or goals of such provision;
- the maintenance of the effort (i.e. displacement of local funds with federal resources);
- comparability of services;
- the equitable participation of students attending private schools;
- student and parental participation and involvement;
- the distribution of funds to local educational agencies;
- public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or
- prohibitions or restrictions relating to the construction of buildings or facilities.

If a local partnership combines funds for school-to-work programs in high-poverty schools, the following provisions of federal law shall remain in effect with respect to JTPA funds:

- the basic purposes or goals of such provision;
- the maintenance of the effort;
- the distribution of funds;
- public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or
- prohibitions or restrictions relating to the construction of buildings or facilities.

**Additional Information in Application.** A local partnership seeking to combine funds for high poverty schools shall include in its application for a subgrant from a state’s implementation grant or a direct federal implementation grant:

- a description of the funds the local partnership proposes to combine;
- the activities to be carried out with such funds;
- the specific outcomes expected; and
- such other information as the state, or Secretaries, may require.

**Provision of Information.** The local partnership shall, to the extent feasible, provide information on the proposed combination of funds to educators, parents, students, advocacy and civil rights organizations, labor and business organizations, and the public.

**Section 505. Combination of Federal Funds by States for School-to-Work Activities.** A state that has an approved state plan may combine its STWOA grant with funds available under:

- Carl D. Perkins Vocational Education and Applied Technology Education Act (20 U.S.C. § 2312(a)(3)), which establishes an apportionment scheme for the state's basic Perkins vocational education grant: at least 75 percent of the grant must be used for basic vocational education programs; 10.5 percent for programs addressing the needs of single parents and sex equity; no more than 8.5 percent for professional development, curriculum development, assessment of programs, promoting business-education partnerships, tech prep, and vocational student organizations; no more than 5 percent for state administration; and 1 percent for corrections education);
- Job Training Partnership Act (29 U.S.C. 1602(c)(1)(C) (8 percent of each state's Title II-A funds (adult training) are set aside to carry out state education coordination) or 1642(c)(1)(C) (8 percent of each state's for Title II-C (youth training) are set aside to carry out state education coordination);
- Section 202(c)(1)(B) of the Job Training Partnership Act that would otherwise be available for the purposes described in § 202(c)(3) (5 percent of each state's allotment must be available for incentive grants to service delivery areas that exceed performance standards, serve more than the minimum, or have post-program employment placement rates that are higher than performance criteria);
- Section 262(c)(1)(B) of the Job Training Partnership Act that would otherwise be available for the purposes described in § 262(c)(3) (of the total allotment for Title II-C youth programs, 82 percent goes to service delivery areas, 18 percent goes to the state for central administration, and 5 of the 18 percent goes for incentive grants to SDAs who exceed performance standards.

**Use of Funds.** If a state combines funds, the following provisions of federal law shall remain in effect with respect to Carl Perkins funds:

- the basic purposes or goals of such provision;
- the maintenance of the effort (i.e. displacement of state funds with federal resources);
- comparability of services;
- the equitable participation of students attending private schools;
- student and parental participation and involvement;
- the distribution of funds to local educational agencies;
- the eligibility of an individual for participation in the program;
- public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or
- prohibitions or restrictions relating to the construction of buildings or facilities.

If a state combines funds for school-to-work programs, the following provisions of federal law shall remain in effect with respect to JTPA funds:

- the basic purposes or goals of such provision;
- the maintenance of the effort;
- the distribution of funds;
- the eligibility of an individual for participation in the program;
- public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or



- prohibitions or restrictions relating to the construction of buildings or facilities.

**Additional Information in Application.** A state seeking to combine funds shall include in its application: a description of the funds that the state proposes to combine; the activities to be carried out with such funds; the specific outcomes expected; and evidence of support for the request by the state agencies or officials with jurisdiction over the funds that would be combined.

**Extension.** A state's combination of funds may not exceed five years without being extended by the Secretaries.

## **Title VI. General Provisions**

### **Section 601. Requirements**

- No student shall displace a currently employed worker or cause a reduction in the hours of nonovertime work, wages, or employment benefits.
- No program shall impair existing contracts for services or collective bargaining agreements, and any program that would be inconsistent with the terms of a collective bargaining agreement must have the written concurrence of the labor organization and employer concerned.
- No student shall be employed or fill a job when any other individual is on temporary layoff, with the clear possibility of recall or when the employer has terminated a regular employee or reduced its workforce with the intention of hiring a student.
- Students shall be provided with adequate and safe equipment and safe and healthful workplaces in conformity with all health and safety requirements.
- Funds appropriated under this Act shall not be used for wages of students or workplace mentors.

**Section 602. Sanctions.** Following thirty days notice and the opportunity for a hearing, the Secretaries may terminate or suspend financial assistance if a recipient has failed to meet any requirements of this Act.

**Section 603. State Authority.** The School-to-Work Act does not supersede the legal authority of any state agency, entity, or public official.

**Section 604. Prohibition on Federal Mandates, Direction, and Control.** The Act does not authorize any federal official or employee to control a state or local curriculum, program, or allocation of resources or mandate the expenditure of funds for costs not paid by the Act.

**Section 605. Authorization of Appropriations.** [Under a separate act, Congress authorized \$280,000,000 for FY 1995]. From any amounts appropriated for any fiscal year, the Secretaries shall reserve:

- not more than 1/2 of 1 percent for grants to U.S. territories (FY 95 = \$1,400,000);
- not more than 1/2 of 1 percent of such amounts for grants to Bureau of Indian Affairs schools for Indian youths (FY 95 = \$1,400,000);
- 10 percent of such amounts for grants to local partnerships located in high-poverty areas (FY 95 = \$28,000,000);
- 2.5 percent of such amounts for national programs (FY 95 = \$7,000,000);
- not more than an additional 5 percent of such amounts to review state and local applications for implementation grants (FY 95 = \$14,000,000).



If the Secretaries reserve the maximum allowed for each of the programs listed above, a total of \$228.2 million would be available during FY '95 for development and implementation grants to states and for implementation grants to local partnerships.

Funds appropriated for any fiscal year for programs authorized under this Act shall remain available until expended.

## **Title VII. Other Programs**

**Subtitle A. Reauthorization of Job Training for the Homeless Demonstration Program Under the Stewart McKinney Homeless Assistance Act.** *Sections in this Subtitle are not summarized, as they relate to a different subject matter than school-to-work opportunities.*

**Subtitle B. Tech-prep Programs.** Tech-prep programs under the Carl Perkins Act are redefined to include up to four years of secondary education and four years of post-secondary education.

**Subtitle C. Alaska Native Art and Culture.** *Sections in this Subtitle are not summarized, as they relate to a different subject matter than school-to-work opportunities.*

**Subtitle D. Job Training.** *Sections in this Subtitle are not summarized, as they relate to a different subject matter than school-to-work opportunities.*

## **Title VIII. Technical Provisions**

**Section 801. Effective Date.** This Act shall take effect on the date of enactment of this Act.

**Section 802. Sunset.** The authority provided by this Act shall terminate on October 1, 2001.



# The School-to-Work Opportunities Act of 1994:

## Summary and Analysis

The following analysis summarizes the basic approach of the School-to-Work Opportunities Act of 1994 (STWOA). This legislation was signed into law by President Clinton on May 4, 1994.

The main purpose of the Act is to encourage states to build statewide systems of school-to-work transition—systems that support the development of programs at the local level that are performance-based, provide portable credentials, make employers full partners in the design and delivery of programs, and use both school and the workplace as integrated learning environments.

Federal funds are available to states to assist in developing a plan for a comprehensive school-to-work transition system. These “development” grants have a maximum size of \$1 million. States may also apply for a grant to implement their plan for a comprehensive system. The size of an implementation grant varies upon the scope and quality of a state’s plan. Federal grant funds are also available to a local partnership that seeks to implement a local school-to-work program before its state is ready to receive an implementation grant.

Federal grants are intended to cover the “up-front” costs of system development. Funds made available through STWOA are not intended to provide long-term operating support. State, local, and private sector resources—together with federal categorical program funds dedicated by local and state agencies—will ultimately maintain this system.

The major change in program focus set forth in the Act is the underlying philosophy that calls for integrating school-based with work-based learning. This shift is fundamental: the focus is less on the preparation *for* work than it is on preparation *through* work. Programs combine school and work learning into an integrated whole that has a specific occupational or industrial focus.

Another major feature of the Act is the requirement that programs be sponsored (designed and operated) by local, community-level partnerships. Partnerships *must* include schools, post-secondary institutions, employers, organized labor, teachers, and students and *may* include other local entities (chambers of commerce, community-based organizations, registered apprenticeship agencies, local governments, and private industry councils, among others). The purpose of the requirement for a partnership is that all “stakeholders” at the community level need to be full partners in the process of designing and operating a school-to-work opportunity program in order for systemic change to occur and to permit the programs to be fully effective.

**Program Requirements.** A school-to-work program integrates school-based learning with work-based learning and academic with occupational learning and links secondary with post-secondary education. The Act gives a specific definition for a school-to-work opportunities program. Within three general areas of work-based learning, school-based learning, and connecting activities, a program must contain all of the following elements:

*Work-based learning* is specifically defined as:

- a planned program of job training that is coordinated with school-based learning and leads to the award of a skill certificate;
- work experience (with a preference that the work experience consist of paid positions);
- workplace mentoring;

- instruction in general workplace competencies; and
- broad instruction in “all aspects of an industry” (planning, management, finance, technical and production skills, underlying principles of technology, labor and community issues, health and safety, and environmental issues related to the industry).

*School-based learning* is specifically designed to include:

- career exploration and counseling, beginning no later than seventh grade;
- the selection of a career major by the eleventh grade;
- a program of study that meets high academic standards, prepares students for post-secondary education, and helps students earn a skill certificate;
- periodic evaluations to identify the need for additional learning opportunities to master core academic skills; and
- helping students enter further education and assuring the ability to transfer between programs.

*Connecting activities* include intermediary services that create linkages across local partners as well as support services for students, which include:

- matching students with employers;
- providing a school-site mentor to act as a liaison between employers, schools, teachers, and students;
- giving technical assistance to employers and others in designing school-based learning, work-based learning, and counseling and case management services;
- providing technical assistance to schools and employers in integrating school and work learning;
- recruiting the active involvement of employers;
- providing post-program services to students (job search, counseling, and assistance related to further education and training);
- linking with community services that can help students;
- providing program evaluation; and
- linking youth skill development with general skill upgrading by an employer.

**Grants to States for System-building.** A state may apply for a development grant, not to exceed \$1 million, to design a comprehensive school-to-work system. Development grants may be used for a variety of purposes, including designing a state governance structure, marketing, curriculum development, labor market analysis, local planning, and investing in pilot programs.

A state may apply for an implementation grant by submitting a detailed plan for its comprehensive system, showing how the state will use its implementation funds, and submitting a request for waivers. (*See below.*) Contents of the application are set forth in the Act and are comprehensive, specific, and detailed. States must use a majority of grant funds to award subgrants to local partnerships—70 percent of federal implementation funds in the first year of the grant must be awarded to local partnerships in the first year, increasing to 80 percent in the second year and 90 percent in the third and subsequent years. A state’s application for an implementation grant must specify the process by which local partnerships will compete for state fund awards.

**Direct Federal Grants to Local Partnerships.** Under limited circumstances, the Secretaries of Labor and Education can award implementation grants directly to local partnerships and can award special implementation grants for partnerships in high poverty areas. Content requirements and limitations on the use of federal



funds for local partnerships are similar to those defined for state implementation grants.

**National Programs.** The Secretaries will establish a variety of federal initiatives to support school-to-work system-building. These include the development of performance measures, a national evaluation, training, and technical assistance activities.

**Waivers.** A state that has an approved school-to-work system plan may request, on its own initiative or at the request of a local partnership, a waiver from one or more federal statutory provisions related to education and training. This process provides a state with substantial flexibility in the aggregation and use of federal funds from other programs. Waivers, for example, are available for certain portions of the Elementary and Secondary Education Act, the Carl Perkins Vocational and Applied Technology Act, and most youth-oriented portions of the Job Training Partnership Act. Waivers are not available from the basic purposes of the affected provisions, and health, safety, or civil rights standards and may not affect the distribution of funds to state or local agencies or the eligibility of an individual for participation in the affected programs.

Other limitations apply. States (and local partnerships) may not use the waivers to effect a change in maintenance of effort requirements. In addition, there are procedural requirements associated with obtaining a waiver—widespread notice to local partnerships with the opportunity to comment on the waiver proposal and the necessity for agencies who have jurisdiction over the federal program funds that are the subject of the waiver to comment on the proposal. Nevertheless, the provisions for waivers appear to offer states a significant opportunity to develop a comprehensive approach to school-to-work transition that includes revenues from other federal statutes.

**Safeguards.** The Act provides some clear safeguards for students and currently employed ("incumbent") workers. These include:

- No student may displace any currently employed worker.
- No student may be employed or a job opening filled when another individual is on temporary layoff from the same job or when the employer has terminated an incumbent worker with the intention of filling the vacancy with a student.
- Workplaces must conform to all local, state, and federal OSHA requirements.
- A school-to-work program cannot impair any existing collective bargaining agreement without the written concurrence of the labor organization and the employer.
- Federal funds made available under this Act may not be expended for student wages.

**Authorizations.** Under a separate act, Congress approved \$280 million for STWOA activities during FY '95. The Secretaries are authorized to reserve funds for grants to high poverty areas and for national programs.



# **The School-to-Work Opportunities Act of 1994:**

## **The Twenty Elements of STWOA Programs**

The federal School-to-Work Opportunities Act of 1994 (STWOA) defines specific components of programs that can be a part of a statewide system of school-to-work transition. Three core elements—school-based learning, work-based learning, and “connecting activities”—are each comprised of additional components. A School-to-Work Opportunities program is required to have *all* of the program components. A program must:

1. **Be designed, operated, and managed by a “local partnership”**—a local entity that *must* include employers, local educational agencies and local post-secondary educational institutions (including area vocational schools); local educators (teachers, counselors, or administrators); labor organizations or nonmanagerial employee representatives; and students and that *may* include other entities such as employer organizations; community-based organizations; national trade associations working at the local levels; industrial extension centers; rehabilitation agencies and organizations; registered apprenticeship agencies; local vocational education entities; proprietary institutions of higher education; local government agencies; parent organizations; teacher organizations; vocational student organizations; private industry councils; federally recognized Indian tribes, Indian organizations, and Alaska Native villages; and Native Hawaiian entities.
2. **Provide students with strong experience in and understanding of “all aspects of the industry” that the students are preparing to enter**—including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety issues, and environmental issues that are related to such industry or industry sector.
3. **Provide all students with equal access to all program components**—“all students” meaning both male and female students from a broad range of backgrounds and circumstances, including disadvantaged students; students with diverse racial, ethnic, or cultural backgrounds; American Indians; Alaska Natives; Native Hawaiians; students with disabilities; students with limited-English proficiency; migrant children; school dropouts; and academically talented students.
4. **School-based learning: career awareness and career exploration and counseling**—programs (beginning at the earliest possible age, but not later than the seventh grade) that pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decision making, placement skills, and knowledge and understanding of occupational, educational, and labor market needs, trends, and opportunities; that assist individuals in making and implementing informed educational and occupational choices; and that aid students to develop career options that surmount gender, race, ethnic, disability, language, or socio-economic impediments to careers and options in nontraditional employment.

5. **School-based learning: career majors**—the initial selection by interested students of a career major not later than the beginning of the eleventh grade. The career major is comprised of a coherent sequence of courses or field of study that prepares a student for a first job and that:

- integrates academic and occupational learning, integrates school-based and work-based learning, and establishes linkages between secondary schools and post-secondary educational institutions;
- prepares the student for employment in a broad occupational cluster or industry sector;
- includes at least two years of secondary education and at least one or two years of post-secondary education;
- provides the students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are planning to enter;
- results in the award of a high school diploma or its equivalent; a certificate or diploma recognizing completion of one or two years of post-secondary education (if appropriate); and a skill certificate; and
- may lead to further education and training, such as entry into a registered apprenticeship program or to admission to a two- or four-year college or university.

6. **School-based learning: high academic standards**—a program of study designed to meet the same academic content standards that the state has established for all students, the requirements necessary to prepare a student for post-secondary education, and the requirements necessary for a student to earn a skill certificate.

7. **School-based learning: “all aspects” curriculum tied to a career major**—a program of instruction and curriculum that integrates academic and vocational learning (including applied methodologies and team-teaching strategies) and incorporates instruction (to the extent practicable, in all aspects of an industry) appropriately tied to the career major of a participant.

8. **School-based learning: regular assessments**—regularly scheduled evaluations involving ongoing consultation and problem solving with students and school dropouts to identify their academic strengths and weaknesses, academic progress, workplace knowledge, goals, and the need for additional learning opportunities to master core academic and vocational skills.

9. **School-based learning: transition links and services**—procedures to facilitate the entry of students participating in a School-to-Work Opportunities program into additional training or post-secondary education programs, as well as to facilitate the transfer of the students between education and training programs.

10. **Work-based learning: work experience**—experience that may be paid work experience, job shadowing, school-sponsored enterprises, or on-the-job training.

11. **Work-based learning: a planned program of job training and work experiences**—including training related to pre-employment and employment skills to be mastered at progressively higher levels, that are coordinated with learning in the school-based learning and are relevant to the career majors of students and lead to the award of skill certificates. A “skill certificate” is a portable, industry-recognized credential issued under a state plan that certifies that a student has mastered a skills standard.

12. **Work-based learning: workplace mentoring**—an employee or other individual, approved by the employer at a workplace, who possesses the skills and knowledge to be mastered by a student and who in-



structs the student, critiques the performance of the student, challenges the student to perform well, and works in consultation with classroom teachers and the employer of the student.

**13. Work-based learning: instruction in general workplace competencies**—including instruction and activities related to developing positive work attitudes and employability and participative skills.

**14. Work-based learning: broad instruction**—to the extent practicable in all aspects of the industry.

**15. Connecting activities: job match**—matching students with the work-based learning opportunities of employers.

**16. Connecting activities: school-site mentor**—employing at a school, for each student, a school site mentor (designated as the advocate for a particular student) who works in consultation with classroom teachers, counselors, related services personnel, and the employer of the student to design and monitor the progress of the student and who acts as a liaison among the student and the employer, school, teacher, school administrator, and parent of the student, and, if appropriate, other community partners.

**17. Connecting activities: providing technical assistance and services to employers and other parties in—**

- designing school-based learning components, work-based learning components, and counseling and case management services;
- training teachers, workplace mentors, school site mentors, and counselors;
- providing assistance to schools and employers to integrate school-based and work-based learning and to integrate academic and occupational learning into the program; and
- encouraging the active participation of employers.

**18. Connecting activities: post-program placement and services**—assisting students who have completed a program in finding an appropriate job, continuing their education, or entering into an additional training program and linking the students with other community services that may be necessary to assure a successful transition from school-to-work.

**19. Connecting activities: collecting and analyzing information**—regarding post-program outcomes of students on the basis of socio-economic status, race, gender, ethnicity, culture, and disability and on the basis of whether the participants are students with limited English proficiency, school dropouts, disadvantaged students, or academically talented students.

**20. Connecting activities: linking youth and adult learning**—linking youth development activities with employer and industry strategies to upgrade the skills of their workers.





